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The Canadian Historical Review

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THE REVIEW OF HISTORICAL PUBLICATIONS RELATING TO CANADA

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VOL. II.

TORONTO, SEPTEMBER, 1921

No. 3

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NOTES AND COMMENTS

THE meeting of the prime ministers of the Empire in London in June and July has been heralded and accompanied by a controversy, of distinct interest to historical students, over the proper name to be applied to the meeting. Mr. Winston Churchill started the controversy by asserting, in a speech at the Anzac Day luncheon in London, that the meeting was to be a regular meeting of the "Imperial Cabinet", the successor of the Imperial War Cabinet, and not merely an "Imperial Conference". From this view dissent was immediately uttered by Professor Berriedale Keith, in a letter which appeared in *The Times* simultaneously with the report of Mr. Churchill's speech. Professor Keith insisted that the term "Cabinet", as applied to the meeting of prime ministers, was "a misnomer which merely excites misgivings in the Dominions", and that the meeting was merely a conference. Later on, he amplified his thesis in a letter to *United Empire* (June, 1921, pp. 467-468), and pointed out that, whereas during the war the term "Imperial Cabinet", though strictly inaccurate, had a certain justification from the fact that it enjoyed a sort of executive authority, since the armed forces of the Dominions were placed under British control, this state of affairs no longer existed, and the term had now lost whatever applicability it once had. Professor Keith's views were endorsed by the Canadian prime minister and by the High Commissioner for New Zealand; and, barring an occasional and unofficial use of the term "Cabinet", the British authorities seem to have

accepted the criticisms of Professor Keith, and the meeting of June and July, 1921, will no doubt go down to history as the Imperial Conference of 1921.

In a sense, the controversy has been one merely about words; for it is clear that under post-bellum conditions, there can be no essential difference between an Imperial Cabinet and an Imperial Conference. The decisions of what Sir Robert Borden described as a "Cabinet of Governments" must necessarily be mere advisory resolutions binding on no one. But the incident has been a signal illustration of the strength of the forces opposed to even a hint of imperial centralization, and the result of Professor Keith's protest is a striking commentary on the part that the scholar, by clear thinking, can sometimes play in public affairs.

Canada has at last a Copyright Act of her own, although the Act is not to come into force until a day "to be fixed by the Governor in Council". The question of Canadian copyright has long been a burning question in imperial politics; and at one time it actually assumed the proportions of a constitutional issue between Canada and the Mother Country. The trouble was that, until 1911, the British parliament, under the influence of the British publishers, insisted, in defiance of all the conventions of responsible government, in controlling Canadian copyright. It was while he was in England fighting against the imperial copyright law that Sir John Thompson was overtaken by his sudden and tragic death at Windsor in 1894. Eventually, however, in the Imperial Copyright Act, 1911, the British parliament agreed to resign its control of copyright in the Dominions; and in 1912 Australia and Newfoundland, and in 1913 New Zealand, legislated on the subject. By a curious irony of fate, Canada, which had been for so long the chief opponent of imperial control of copyright, failed, for a variety of reasons, to take advantage of the Imperial Copyright Act of 1911 until after the war. In 1919 and in 1920 bills were introduced in the Canadian parliament; but both of these fell by the way, and it was only at the end of May, 1921, that the Act now on the statute-book was passed by both houses.

The new Act is frankly retaliatory against the United States. It does not require the setting of the type and the making of the

plates in Canada, as the United States Copyright Act does in the United States; but it provides for copyright protection only for British subjects, for residents in the British Dominions, and for residents of countries subscribing to the Berne Convention and Protocol—thus excluding citizens of the United States, who can only get copyright in Canada if the Minister shall declare that the United States is willing to give copyright protection to Canadian citizens on the same basis as to their own. This means, that, unless an agreement is arrived at between the two countries, Canadian authors who first publish in Canada will lose their United States rights, and American authors who publish first in the United States will lose their Canadian rights. Fortunately, however, Mr. Doherty, the Minister of Justice, assured the House of Commons that the Act would not be put into force until satisfactory protection for Canadian authors in the United States has been secured by negotiation. There are in the Act a number of clauses, notably the so-called licensing clauses, to which the newly-formed Canadian Authors' Association took strong objection; and there was a good deal of opposition to the measure in the House of Commons, and especially in the Senate, where it was severely handled by members such as Senator Chapais and Senator L. O. David. It finally passed the Senate, however, by a small majority, and became law. Whether it ever comes into operation, remains to be seen.

The contents of the present number of the REVIEW include, besides book-reviews and bibliographical notices, two papers and a document. The first paper, which deals with *Statistics in Canada*, is by Professor Gilbert Jackson, of the Department of Political Economy in the University of Toronto, and coincides most opportunely with the taking of the Dominion census of 1921. The second, which treats of *The Law of Marriage in Upper Canada*, is by Mr. Justice Riddell of the Supreme Court of Ontario, and is intended to dispel the false impressions which have long been current with regard to the disabilities under which certain religious denominations laboured in Upper Canada before the Rebellion of 1837. The document, which is merely a reprint of Edward Blake's "Aurora Speech" of 1874, is a departure from the practice hitherto followed in the REVIEW of printing only *documents inédits*; but it is hoped that its historical interest, combined with the fact that it is as a rule inaccessible to the general reader, will justify its reproduction here.

STATISTICS IN CANADA

IT is perhaps because they have been put to so many different uses that statistics are distrusted by many people of intelligence. The propagandist uses them, irrespective of their limitations, to puff a drug, a political programme, a province, or a country. The politician demands them at a moment's notice, confident that somehow statistics for his purpose can be made. The specialist draws his conclusions in finance, in public health and actuarial work, without presenting his readers with the steps of his argument. In the meantime, the public that looks to them for guidance is apt to be repelled.

Within a few years it was customary to dismiss statistics with a shrug; to put them in appendices to public documents because they "looked well", but not to use them as raw material for research. It is impossible to deny that they were often badly collected, badly presented, and misunderstood. Records were made by men who were ill-paid or not paid at all for the work, and who had often no idea of the value of accuracy. Such, for instance, were some of the returns made by trade union officials before the war to the Ontario Bureau of Labour; and they were of very little value when they were not actually misleading. Or, in certain cases, accurate reports were received by the department compiling them, and they were added or classified wrongly. A flagrant instance of this occurred in 1914 when the Registrar-General for the Province of Ontario made up the statistics of marriages for the previous year.¹ The brides willy-nilly were shepherded into the column supposedly reserved for bride-grooms; the bride-grooms occupied the space in the table supposedly reserved for brides. Each did duty for the other, with the result that (according to the Registrar-General) the women of Ontario, who married during 1913, selected men who were younger than themselves by no less, in the average, than four years.

The difficulties with which the statistical service of Canada

¹ *Report of the Registrar-General for the Province of Ontario, 1913, p. 8.*

has had to struggle in the past have been tremendous. No one who is familiar with the *First Annual Report of the Dominion Statistician* needs to be reminded of them; and the *Report*, which is in itself an important historical document, may be supplemented usefully by random readings in almost any volume of the Census previous to 1911. It is true that the statistical service is old. For nearly six centuries after the completion of Domesday Book in 1086 there was no systematic enumeration of the people anywhere: the first to be made in modern times was the Census of New France, taken in 1666.¹ But though Canada was earliest in the field, she was slow to create a permanent organization to deal with the mass of facts collected. A permanent Census and Statistics Office was created only in 1905. Up to that time the Census was made, not by a regular staff undertaking this duty, but by an organization created *ad hoc* at intervals of ten years, and disbanded as soon as results were published. Efficiency was scarcely to be hoped for under such an arrangement. Early Census Reports are a series of melancholy confessions, complicated occasionally by the desire to prove that Canada has been growing more quickly than her neighbours. In certain parts of the country the enumerators proved themselves wholly unfit for the duties assigned to them. Their instructions were drawn up so loosely as to admit in many cases the double entry of persons not sleeping at home on the night of the census.² Their work was made still more difficult by a feeling on the part of the public that the Census had some connection with taxation; and for this reason essential information was sometimes withheld altogether.³

The collection of mortality statistics by the Census Office (which was not considered improper and persisted in the Census of 1911) introduced another element of inaccuracy.⁴

For these reasons we cannot place very much reliance on the numbers of the population, as stated in Census Reports in the middle of the nineteenth century. Some of the results of enquiries conducted under such disadvantages verge on the incredible; and where these are combined with the statistics of mortality, their weakness is obvious at a glance. The Census officials of

¹ *First Annual Report of the Dominion Statistician*, p. 9.

² *Report of the British Association*, 1878, p. 658.

³ *Census of Canada, 1851-2*, vol. I, p. iv.

⁴ "In actual experience it was found that our enumerators missed 20 per cent. of the deaths," said the Dominion Statistician to the Conference on Vital Statistics on June 20, 1918.

Upper Canada reported a crude death-rate for 1851 in that province, of 8.1 per thousand of the population. This is believed to be well below the lowest figure known in any modern state. Corrected according to standard age distribution the rate is unaltered; and it is less by 30% than that shown in 1912 by New Zealand—the lowest recorded in our time. Apart from the probable inaccuracy of the mortality statistics, and possible inaccuracies in numbering the living population, it is evident to anyone who works over the figures that the recorded age distribution in the later years of life contains several very doubtful peculiarities.

No Census enumeration is entirely free from inaccuracies. In the matter of age, they are especially persistent. But in Canada (with exceptions here and there, which have stirred local feeling) they have now been reduced to the minimum. A permanent Dominion Bureau of Statistics, created under the Statistics Act of 1918, has charge of the Dominion Census, and is "designed to give final form to the statistical policy of Canada. It crystallizes the suggestions of the Statistical Commission in the light of subsequent research, and within the regulations thereunder lays down a definite plan for the organization and development of statistics".¹ To-day the Census of Canada aims only at securing information which can be determined with reasonable accuracy by decennial enquiry. With its wide interest in production, it is based on a broader foundation than the British. Though considerably less elaborate, it is strictly comparable with the Census of the United States, which is taken only one year earlier.

The old distrust of statistics, which was inevitable when our statistics were of notoriously poor quality, has thus been deprived of its foundation. Much of it, nevertheless, unfortunately survives, for even when accurate and properly presented statistics are obtainable, there are few persons in the community sufficiently well-trained to draw constructive inferences from them. The failure of public bodies to make good use of the material now so generously furnished is evident in every line of public enquiry. It is only necessary to recall the memorandum placed before the Tariff Commission in the autumn of 1920 by the Canadian Manufacturers' Association. In this case an unrivalled opportunity of analysing scientifically the growth of Canadian

¹ *First Annual Report*, p. 17.

manufactures was allowed to pass, and a series of figures which were in themselves undoubtedly reliable was used to very little purpose.

We may hope that the gap in our education here evidenced will not be suffered to remain. For to-day, despite a lingering mistrust, the tendency is to rely more and more on the results of statistical enquiry—perhaps to place undue reliance on them. The public is being supplied on an increasing scale with so-called “fundamental statistics”, whose origin is often left in doubt by the business organizations which produce them. The result is a good deal of misunderstanding and miscalculation which, however, bears witness to growing interest in the subject. As the war taught us all the supreme importance of organized effort, so have the grave and unforeseen economic disturbances which succeeded the war taught us the value of organized knowledge. For as each development occurred, the rise in prices that followed the war, the contraction in our foreign markets, the spread of unemployment, the present unprecedented fall in prices, shrewd observers acquainted with the past have been more and more inclined to see in them repetitions with a difference of developments succeeding other wars. It is the man who takes his stand upon the ancient way who finds familiar features in our changed surroundings; and in proportion as we have despised the past, we find ourselves ill-prepared to face the future.

This renewed interest in the subject will increase with the spread of an organic conception of society. For that conception brings with it an increased readiness to study what may for want of a better term be called the physiology of social development; and it is only by the use of statistical methods that we can hope to get quantitative results from such a study.

It is impossible shortly to summarize the task which faces the Canadian statistician. He has at the same time to consider domestic and imperial requirements. The need for a standardization of Canadian statistics is unquestioned. Departmental conservatism in some of the provinces and a certain jealous dislike of federal interference have at times made progress difficult, and may continue to do so. The Dominion Bureau of Statistics began wisely with the problem of vital statistics, now no longer collected even provisionally by the Census. The general adoption of the model “Act Respecting Vital Statistics” (which is operative in all the provinces but one) is an earnest of future harmony. If and when Quebec conforms, the standardisation of our most important

statistical records will have been accomplished. But in an Empire which is linked in a thousand ways by the migration of its citizens, the movement of its capital and the ramifications of its trade, there is a corresponding need for the standardization of imperial statistics. Both of these needs were recognized by the Dominions' Royal Commission, which made its *Final Report* in 1917. The Commission concluded an elaborate and scientific survey of the British Empire by making certain findings regarding our statistical deficiencies. With regard to Canada the chief impressions it recorded are instructive. Sir Alfred Bateman, himself a member, has said of the commissioners, "Speaking merely on the statistics of Canada they were struck with the profusion of statistics. There were too many of them, and the worst of it was that they did not agree. . . . In many cases the Dominions' Commission had found that the statistics of unemployment and of immigration were deficient".¹ Quoted apart from its context, this seems perhaps more blunt than it sounded to those who heard the statement. In any case, the criticism was not unfounded. We can realize most easily how grave were those deficiencies, by comparing the statistics of immigration published by the Department of Immigration, with the numbers of immigrants found in Canada at the time of the 1911 Census. Between 1901 and 1905 the number of foreign-born immigrants shown to have entered Canada is nearly 335,000. Allowing for the moderate death-rate of 14 per thousand among them, there should have been in 1911 about 304,000 foreign-born immigrants in Canada, who had entered the country within this period. The number actually found was 167,524. There were also 63,563 foreign-born immigrants, whose year of arrival was not reported. In any case, the Census officials were faced with an unexpected deficiency, amounting to at least between 74,000 and 138,000 persons. In the case of certain races this deficiency was extraordinarily pronounced. The number of Italian immigrants entering Canada between 1901 and 1905 appears to have been 19,827. The number who should have been found at the Census of 1911 was therefore on the previous basis of calculation about 18,200 persons. The number actually found was 6,197. Even when we make allowance for the large number of immigrants who were unable to recall for the Census enumerators the date of their arrival, it is evident that nearly two-thirds of the Italians migrating to this country

¹ *Journal of the Royal Statistical Society*, January, 1920, p. 78.

have in some way disappeared within a few years of coming here.¹

It is conceivable that either the Census or the Immigration Department might be at fault. No Census enquiry can hope to be wholly accurate, but in this case it is certain that the mistake lies mostly, if not entirely, with the Department of Immigration. No record has been kept in the past of the number of immigrants leaving Canada at any time after their arrival. American experience shows that this number must have been considerable.² In the absence of such records the figures with regard to immigration lose, if not all, at least much, of their meaning. An arrangement has now been concluded with the government of the United States by which records of migration into the United States from Canada are made up by American officials and forwarded to the Dominion government. We have, therefore, for the future a means of measuring the movement of restless or dissatisfied immigrants across our border to the south; but even this does not enable us to guess what is the proportion of all our immigrants, who return in time to their homes in other countries. This proportion may conceivably be as high as one-third of the total immigration.

Until the Department of Immigration is able to establish records of emigration as complete as its records of immigration, it will remain impossible for us to measure from year to year the growth in the population of this country. The decennial Census must till then be accepted as our only means of ascertaining closely the growth in the numbers of our people; and the gap between the Census years is a very long one. A recommendation by the Dominions' Royal Commission that everywhere within the Empire the Census be conducted not once in ten years but once in five years, will, if it is adopted, lessen this uncertainty. In Canada the need for a quinquennial Census is at present perhaps greater than it is in any other part of the British Empire, since of all the Dominions she is developing the most quickly. The Census of the prairie provinces, which is taken in the sixth year of each decade, might well for this reason be extended to the whole Dominion.

The reproach that our statistics of unemployment are deficient can no longer be brought against us. In 1914 there were for

¹ A comparison of the Reports of the Department of Immigration and Colonisation (Ottawa) with the *Special Report on the Foreign-Born Population* (Census and Statistics Office, 1915) shews in the case of almost every race a considerable outward movement.

² See, for instance, Fairchild, *Immigration*, ch. xvi, p. 349.

practical purposes no statistics of employment in this country. Such statistics as existed, far from being used, were not even properly compiled by the provincial governments which collected them. When the Dominions' Royal Commission made its report the Employment Service of Canada was still in its infancy. To-day it is a highly developed and extremely efficient organization.

A beginning was made on lines which had previously been explored by the Board of Trade in England. The Mother Country had collected records of unemployment among members of trade unions extending as far back as 1851. The Department of Labour at Ottawa began to collect similar records from Canadian trade unions in 1915. The compilation was at first made quarterly, and is now made monthly. Analysed in the *Labour Gazette* by provinces and occupations it is an exceedingly valuable record of the changing conditions of employment in Canada. Covering as it does trade unions with a total membership of nearly a quarter of a million it may be supposed to reflect with considerable accuracy conditions in the labour market as a whole. In addition, the Employment Service has now developed a method of securing postal information from employers. Some of their records must be sent three thousand miles by mail; but despite this difficulty the Department of Labour succeeds in publishing a weekly statement within about three weeks of receiving the returns, which summarizes the records of about five thousand employers and about three-quarters of a million wage earners. There is little doubt that a mass of information so great and so representative reflects very accurately employment conditions in the country as a whole. England, though she publishes in the Board of Trade *Labour Gazette* similar returns from employers of labour, does not collect them on a scale comparable with this, and Canada can fairly claim to have been a pioneer in the work.

The close agreement in the two sets of figures obtained from trade unions and employers respectively confirms our faith in each of them. There is to-day no country which follows the fluctuations in its labour market more closely than Canada, and we may fairly hope that within a few years the United States may follow in our footsteps and produce information regarding her own conditions of employment which will stand comparison with ours.

One at least of Sir Alfred Bateman's strictures has thus successfully been met. But in their summary treatment of our

shortcomings, the commissioners did not for a moment lose sight of their main purpose. In the many fields of activity which came under review, their task was to find means of creating and maintaining liaison between the Dominions and the Mother Country. Their *Final Report*¹ called for a conference of the statisticians of the Empire. After the war a conference was accordingly summoned. It met in London in January, 1920, and its own report is instructive.² Readers who live overseas will be tempted to remark that it contained an undue proportion of British civil servants. Thirty-one of these attended; and only twelve delegates (of whom one was unable to be present at the meetings) represented the remainder of the British Empire. The most important of the constructive proposals made by the conference was a resolution in favour of a British Empire Statistical Bureau. Such a Bureau would naturally find itself ultimately under the authority of an Imperial Development Board, if the recommendation of the Commission relating to this Board is ever carried out. In the meantime the conference suggested that this Bureau be controlled by a special council, established by royal charter, and that "in order to emphasise the Imperial character of this council, the President should be the Prime Minister of the United Kingdom, in his capacity as President of the periodical Imperial Conferences".

We may hope some day to find ourselves tracing at the same time not only the changes in migration and employment, not only variations in exports and imports of merchandise, but also the movement of capital from Great Britain to the Dominions and India, and alterations of wages in all parts of the Empire. If the time comes when all these developments can simultaneously be reviewed, we shall be protected as we have never been before against the suffering which is caused by unhealthy development in any part of the Empire. There will then be no excuse for such a blind over-investment in railway development as has produced our tremendous railway problem of to-day. There will be less opportunity for a congestion of the labour market through over-immigration, such as occurred with disastrous consequences in 1913-1914. Our limited supplies of loanable capital will be directed more wisely wherever an unfilled need for capital exists, and the restless population of the British Isles will be helped to

¹ *Final Report*, p. 168.

² Cmd. 648, H.M. Stationery Office.

choose a place of settlement, less by vague rumours and more and more by the knowledge that an unfilled demand for labour exists in certain places, which promises them continuous employment, and a standard of life higher than they have known in the surroundings of their homes. In the years of scarcity which lie before us we cannot afford wrongly to direct either the limited supplies of capital or the limited supplies of labour on which we must depend almost entirely to develop the resources of the British Empire. For misdirection of either expresses itself in terms of human loss and human suffering. It loosens the ties that bind together the scattered units, and weakens the Empire as a whole. Properly conducted an Imperial Statistical Service will conserve our resources and prevent a great deal of unnecessary human misery.

Thus though we are mainly concerned with the statistical development of Canada, we cannot confine ourselves entirely to our domestic problems. If the progress and the needs of the British Empire are simultaneously to be surveyed as a whole at five year intervals developments elsewhere must keep pace with those occurring here. At present the official statistical organizations of the British Empire are at various stages of development. Australia leads the way, and the work of her official statistician, Mr. G. H. Knibbs, serves as a model for official statisticians everywhere. The statistics of New Zealand present the same main features as those of Australia. Our own Bureau of Statistics comes late in the field, but has already produced some important changes which are an earnest of more reforms to follow. There is no doubt that within a few years, by dint of hard work and tact, both on the part of the federal officials charged with the collection of statistics, and on the part of the provincial officials from whom they must get much of the raw material they need, the statistics of Canada will be standardized and unified like those of Australasia. But if there is to be one statistical system for the British Empire the British government must also follow suit. In the past, though they may rightly have resented comparison with the "seventy jarring sects" of the Rubaiyat, there has been a good deal of difference between the twenty or more departments of which the British government is composed. In the best of them statistical work has been done which serves as a model for the world. In the worst of them statistics have been compiled which have very little meaning. They too must be unified and standardized.

When the process is complete, which we have only seen in its beginning, the result will be such as to strike at least the trained imagination. Even now, the census is taken simultaneously in all parts of the Empire. Its results are summarized for the Mother Country and the Dominions, the Indian Empire and all the British dependencies, in an appendix to the *Census* of England and Wales. That appendix resembles a half-completed building—an observer sees first of all its great deficiencies. But in time to come it will no longer be an appendix. What was but part of a local publication will in time become the whole, to which the census of England and Wales itself contributes. In it the scattered family of nations to which we belong will find an inventory of their common treasure-house. It will remain as it is, a collection of statistics and no more. But those will prize it for whom it has a meaning: and as education spreads their number will increase. We may suppose that some of them will find it the most illuminating of contemporary documents.

G. E. JACKSON

THE LAW OF MARRIAGE IN UPPER CANADA

UPPER CANADA was created a separate provincial entity by the proclamation of General Alured Clarke dated November 18, 1791, and becoming effective December 26, 1791.

The territory which thus became Upper Canada had been part of the province of Quebec formed by the Quebec Act of 1774, and a small part along the Ottawa had been part of the original "Government" of Quebec formed by the Royal Proclamation of 1763. That proclamation had introduced the English law, civil and criminal, into Canada; but the Quebec Act of 1774 had re-introduced the former "law of Canada" as to property and civil rights, leaving the criminal law as it was. Consequently, when Upper Canada began her provincial career, she was under the French-Canadian civil law and the English criminal law.

The French-Canadian civil law followed the canon law and required the presence of a priest episcopally ordained to make a marriage valid.¹

At the first parliament of the young province at Newark in 1792, the first statute passed² introduced the English civil law; and thereupon the presence of a Church of England clergyman, priest or deacon, became necessary to make a marriage ceremony valid.

Before this time it had been taken for granted that, at least in the wild parts of the country, a Church of England clergyman might validly perform the ceremony³; and there were some marriages before the chaplains of the military posts. In the absence of a chaplain, those seeking to be married applied to the commanding officer of the military posts, to magistrates, to adjutants, and even to surgeons at the posts. These, acting as chaplains, performed the ceremony. Some of those so married took care on their return to civilization to have the ceremony regularly performed;⁴ some, however, omitted this wise precaution. Some were married by justices of the peace: these marriages were equally invalid. The Hon. Richard Cartwright, who had been appointed a member of the Legislative Council,

was strongly impressed with the peril attached to these irregular marriages (his own was one of them); and he in the first session of the first parliament, in 1792, introduced a bill to validate all such marriages, the first bill introduced in an Upper Canada parliament. This bill was said by Simcoe to be a "hasty and ill-digested Bill",⁵ and it was withdrawn after its first reading on the express promise of the lieutenant-governor that the matter should receive the attention of the Home authorities.

Chief Justice Osgoode, upon the instructions of Simcoe, drew up a bill for the purpose, and this was sent by Simcoe to Dundas, one of the secretaries of state, for submission to the law officers of the Crown.⁶

The bill was submitted to the advocate-general, William Scott (afterwards Lord Stowell), to the attorney-general, John Scott (his brother, afterwards Lord Eldon), and to the solicitor-general, John Mitford (afterwards Lord Redesdale); and they reported favourably to the bill. This report was sent by John King, permanent under-secretary of state for the Home Department, to Simcoe.⁷ Before the bill and opinions had been received or even despatched, however, the provincial parliament had met on May 31, 1793. The first bill to be introduced was the Marriage Bill: this was introduced by Cartwright on June 3, when it was read for the first time. It rapidly reached the second reading and the committee of the whole, and was passed on June 14, on which day it was sent down to the House of Assembly.⁸ There it was amended so as to authorize the ministers of communions other than the Anglican to perform the marriage ceremony for their own people; and in this form it was returned to the Council on June 20.

The amendment was not accepted by the Council; but a conference was held by Cartwright, Peter Russell (afterwards administrator of the government of Upper Canada), and Commodore Grant, representing the Council, and Macomb, Campbell, and Van Alstine representing the Assembly,⁹ and the commoners withdrew the amendment on the positive assurance that representations would be made to the Home government in favour of non-Anglicans, and that the matter would be put on a liberal footing at the following session.¹⁰

The Act was passed and became law¹¹; it provided that all marriages theretofore contracted before any magistrate, or commanding officer of a post, or surgeon of a regiment acting as chaplain, or any other person in any public office or employment,

should be valid. Persons who had contracted such marriages might preserve testimony by making within three years an affidavit in the form given, with the dates of the births of their surviving children, if any, and these affidavits the Clerk of the Peace was to enter and record in a register to be kept by him for the purpose. For the future, until there should be at least five "parsons or ministers of the Church of England" in any District—there were then four Districts in Upper Canada¹²—a magistrate might marry after having put up a notice in the most public place of the township or parish and having waited until three Sundays had elapsed.

It is probable that advantage was taken of this Act in validating marriages in all or most of the Districts; but, so far as I know, the records of only one District show any trace of this—and that only by accident.

The clerk of the peace of the Midland District at Kingston, in 1813, wanted a book in which to keep the records of the Court of General Quarter Sessions of the Peace in and for the Midland District, and took for the purpose the blank leaves of an old register no longer in use. There were only four entries in the register; they run as follows: David McCrae swears before Richard Cartwright, Junior, Judge of the Court of Common Pleas for the Midland District, May 29, 1794, that he did publicly intermarry with Erie Smith at Michilimackinac, on October 13, 1783, and he names, with the date of their births, his living son William, and three daughters, Sophia, Frances, and Amelia. Erie Smyth (signing her name in that way) swears to the same facts before George McBeath, Justice of the Peace at L'Assumption (now Sandwich) on June 18, 1794. Then "Richard Cartwright, junior, of Kingston, Esquire", swears before Thomas Markland, Justice of the Peace, on May 30, 1794, at Kingston, that he did publicly intermarry with Magdalen Secord at Niagara "on or about" October 19, 1784, and he names his living children James, Richard, and Hannah; and Magdalen Cartwright swears the same at the same time. In each case, it will be noted, the marriage had taken place at a British military post.¹³

Simcoe did not like the Act. He loved and honoured his church only less (if less) than his king; he desired the establishment of the Church of England, and was indignant that it should be even suggested that ministers of another church should have the power to marry. Although Dundas, the secretary of state, wrote him approving of the allowance of the Act and adding

that the opinions of the imperial law officers would enable him to make the necessary amendments next session,¹⁴ he took no steps to carry out the agreement made between the Houses. Hamilton did not introduce a bill as had been arranged, and thus nothing was done.

The reason for this inaction is given in Simcoe's despatches and I cannot do better than copy his memorandum on the subject, contained in an official letter to Dundas from Navy Hall, dated August 2, 1794:

It has already been suggested in the observation on the Marriage Act that it was suffered to pass on a compromise between the two Houses upon an implied agreement between a majority of each that the power of legally solemnizing marriages should be extended to the spiritual pastors of several sects and denominations of religion. The opinion of the Law Officers of the Crown did not arrive here until after the Act had passed. It was proposed during the Session to have brought forward an amending Bill containing the provisions suggested to them, but on the first day of the meeting of the House petitions from Menonists, Tunkers, and others were brought forward praying that their ministers might be authorized to solemnize marriage with validity. The petition was disregarded, but it was found that had the question been stirred in any respect whatever the various pretensions and prejudices of the different sectaries would have produced great animosity and confusion; it was, therefore, thought that it was most advisable to suspend all proceedings on the subject till it should be known whether it was thought expedient that the power requested should be extended to the ministers of any other religious description in order that opinion might be sounded and previous measures be taken to effectuate if possible what may be thought most beneficial for the Province in such behalf.¹⁵

A poor excuse is better than none.

In the following year (1795) a petition was presented by the Presbyterians, but no action was taken looking toward relief.¹⁶

In 1796 the Baptists of Bastard Township sent a petition to Simcoe praying that "regularly ordained elders of any Baptist Churches in this Province shall be fully empowered to administer the Ordinance of Marriage".¹⁷ We have no record of Simcoe's answer, but it was certainly not favourable.

The Presbyterians of the county of Grenville renewed their application, setting out that their Church had the right in Scotland to celebrate marriages, and urging that they should have the

same right in Upper Canada. Simcoe said to them in the most decisive terms that "the petition was a product of a wicked head and most disloyal heart", and they took nothing by their motion.¹⁸

Simcoe left the province in July, 1796, never to return; and it was only when he had gone that there dawned any hope of a relaxation of the law.

This seems to be a proper place to mention a somewhat curious claim made by a clergyman of the Church of England.

From the beginning of the British rule in Canada the granting of marriage licences was reserved to the governor; *e.g.*, in the Instructions to General James Murray, November 14, 1763, he was directed (section 37) to give all countenance and encouragement to the exercise of the ecclesiastical jurisdiction of the Lord Bishop of London in the Province "excepting only the collating to Benefices, granting Licenses for Marriage and Probate of Wills which We have reserved to you Our Governor".

In the instructions to Dorchester, September 16, 1791, which were also those to Simcoe, while the Right Reverend Charles Inglis, Bishop of Nova Scotia, was to have ecclesiastical jurisdiction, there was reserved to the governor "the granting of Licenses for Marriage, Letters of Administration and Probates of Wills" (section 45).

The Bishop of Nova Scotia made the Reverend John Stuart of Kingston his commissary; and Stuart claimed the right as such to issue marriage licences in Upper Canada. This right was denied by the Executive Council, September 29, 1792,¹⁹ and the claim does not seem to have been renewed.

A royal mandamus for letters patent investing Jacob Mountain with the "Title, Style, Dignity and Honour of Lord Bishop of Quebec", was granted on July 17, 1798; and at the same time John Stuart was made commissary of the Lord Bishop of Quebec. In that capacity he claimed the right to grant to the ministers of churches dissenting from the Church of England licenses to solemnize marriage. The matter was referred by Simcoe in June, 1796, to John White, the attorney-general, whose opinion was that it depended on the terms of the commission of the bishop.²⁰ A copy of the mandamus was obtained (which the commission should follow to be valid), and it appeared plain that no such power was given.²¹

It was, however, not necessary to make any formal decision; for the legislature took action in the session of 1797. The record

of the proceedings of the legislature in this year is lost, and we derive all the available information from the official reports to the Home Secretary and from the statute itself. Chief Justice Elmsley,²² in giving the reasons for the Marriage Act of 1797, says:

This Province is principally settled by Loyalists from the Eastern and Middle Colonies who notwithstanding their uniform and steady attachment to the British Constitution retain all those varieties of opinion in religious matters for which that part of America has always been remarkable. It is perhaps not too much to say that the members of the Church of England do not compose more than a fiftieth part of the population of this Province. To have extended the indulgence given by the Act to the ministers—if that term can with any propriety be applied to the self-constituted guides of the various divisions and sub-divisions of sects which agree in hardly any other point but their refusal to conform to the Established Religion of the Province—would have been to give the power of performing the ceremony of marriage to some of the weakest, the most ignorant, and in some instances the most depraved of mankind. Care was therefore taken to confine the relief given by the Act to such of the Protestant Dissenters as, though Non-conformists here, are members of an establishment elsewhere and would for that reason bring with them their sober and regulated modes of thinking both in political and religious subjects which are the usual consequences of habitual conformity to an established ritual which form perhaps the best barrier against the encroachment of either infidelity or fanaticism and, the inseparable companion of each, sedition. For these reasons it was confined to members of the Church of Scotland of which country a very considerable proportion of the settlers in the lower parts of the Eastern District are natives, and to the Lutherans and Calvinists under which descriptions it was presumed almost all the Loyalists who were of either German or English descent and who felt a pride in adhering to the belief of their ancestors would be included.²³

The Act was reserved by the Administrator, Peter Russell, for the royal pleasure; and it came into force December 29, 1798.²⁴ This Act gave to "the minister or clergyman of any congregation or religious community of persons professing to be members of the Church of Scotland or Lutherans or Calvinists who shall be authorized in manner hereafter directed to celebrate the ceremony of matrimony between any two persons one of whom shall have been a member of such congregation or religious community at least six months before the said marriage". The minister must

have been ordained according to the rites of his religious community and have appeared before the quarter sessions of the District in which he lived with at least seven "respectable persons", members of his congregation, who should declare him to be their minister; he must take the oath of allegiance; and then the majority of the justices, if they thought it expedient and proper, could give him a certificate authorizing him to celebrate matrimony in that District. Banns for three Sundays or a licence from the lieutenant-governor was necessary; and a certificate of marriage was to be given which might be registered in the office of the clerk of the peace.

It will be seen that all Presbyterian ministers came within the Act: the "Disruption" of the Church of Scotland did not occur until much later.²⁵ Under the head of Lutherans came the Palatinates and a few other Germans (chiefly from the valleys of the Hudson and the Mohawk), while the term Calvinist covered Baptists,²⁶ and the "Dutch Reformed" also came within this category.

One ever increasing important religious body was excluded—the Methodists. This was deliberate and intentional. The Methodist ministers were, so far, wholly from the United States and were suspected of republican sentiments. There can be no doubt that while these missionaries were devoted to the work of evangelization, and in the main abstained from open attack upon the institutions of the country, they were not all wise at all times,²⁷ and very little was needed in that generation to rouse suspicion against an American. The Revolutionary War was just over with its legacy of hate and enmity; and while the loyalty of the Canadian Methodist was beyond dispute, the same could not always be said of the American minister.

The provision requiring the oath of allegiance was aimed at ministers from the United States, and that requiring a licence from the Quarter Sessions was to prevent anyone performing the marriage ceremony without legal qualifications.²⁸

The last section of the Act deserves attention. It legalized all marriages celebrated after the passing of the Marriage Act of 1793, by any person who should obtain the certificate from the Quarter Sessions between persons either of whom was a member of his congregation. This was to validate marriages celebrated in his own flock by the Reverend John Bethune who had insisted upon the right so to do.²⁹

No further legislative action was taken for some years.³⁰ A

petition from Darius Dunham and a hundred and nineteen others, "Members of a Methodist Society praying that by a Parliamentary provision the same toleration be extended to them as to other sects in this Province, so as to give validity in law to their marriages", was read in the House of Assembly, June 27, 1799, but leave was refused to bring in a bill to that effect.³¹

A new House was elected in 1800, and at its second session, on June 11, 1802, three petitions were presented "from the Society of people called Methodists", setting out their loyalty and adhesion to the British Crown and asking that "an Act may be passed in our favour giving authority to our Preachers (most of whom are Missionaries from the States) to solemnize the religious rites of marriage as well as to confirm all past marriages performed by them". A bill was introduced; the three months' hoist was voted down, and the bill was passed. It was then brought to the Council, where it was "read a first time and ordered to lie upon the table", and was not again heard of.³²

The fourth parliament was elected in 1804; at its second session, on February 8, 1806, another petition from "the Religious Community called Methodists" was presented to the House for "an Act . . . giving authority to our preachers most of whom are missionaries from the States and a number more who are resident in this Province regularly ordained to solemnize the religious rites of matrimony as well as to confirm past marriages performed by them".

A bill was introduced and passed the lower house without a division; it passed the second reading in the Council; but in the committee of the whole it received the three months' hoist.³³

In the session of 1807 a similar bill passed the House, but failed to be read the second time in the Council.³⁴

In 1808 a bill promoted by the solicitor-general, D'Arcy Boulton, for the same purpose passed the House; the Council made an amendment by striking out the clauses validating previous irregular marriages on the ground that this would encourage irregularities in the future; the Assembly asked for a conference; each House insisted on its position; and the bill was lost.³⁵

The sixth parliament was elected in 1812, but nothing was done in the way of amending the marriage laws until its last session in 1816. As usual, a bill passed the Assembly, but was lost in the Council.³⁶

The delay in bringing forward this bill was due to the fact that the province was occupied with the War of 1812-15. While the

war displayed the Methodists as a whole in a favourable light, a few of their men of leading proved disloyal,³⁷ but most of the American ministers remained in Canada, and they were not found preaching or teaching sedition.

Notwithstanding the general loyalty of the Methodists, the English Wesleyan body thought fit to send some of their own missionaries into the province, as the Upper Canadian Methodists were still under the jurisdiction of the Methodist Episcopal Church in the United States, and most of their preachers and leaders came from that country.³⁸ These English missionaries continued their work from 1816 till 1821, when their Church in England determined to withdraw them (except one at Kingston, where troops were stationed) as there was "no evidence of their American brethren interfering in political questions", and since they "generally remained in the Province during the late war".³⁹ The English Wesleyans were always held in great favour by the governing classes at York; they never claimed the right of celebrating marriages, but this did not tend to increase the favour of the Legislative Council toward the Methodist Episcopalists.

The seventh parliament was elected in 1816; in its second session (1818) a bill passed the Assembly, but failed in the Council.⁴⁰

In the following sessions (1818) a much more modest bill passed the Assembly, and the Council concurred in it. This Act simply extended for three years from November 28, 1818, the time for those who had neglected to take the steps allowed by the Act of 1793 for preserving the testimony of their marriage validated by that Act, to make an affidavit and record it with the Clerk of the Peace.⁴¹ Nothing was done in the matter in the session of 1819, but in the following session (1820) a bill passed the Assembly. The same day, however, as it had its third reading, Sir Peregrine Maitland prorogued parliament in anger, and it never reached the Council.⁴²

The eighth parliament was elected in 1820. At the first session (1821) a government bill, introduced by the attorney-general, John Beverley Robinson, was passed.⁴³ This was not intended to relax the rules for valid marriages, but to make more certain punishment for unauthorized celebration of the marriage ceremony. I therefore pass it over for the time being without saying more than that it made it a misdemeanour (punishable by fine and imprisonment, not by banishment) for a justice of the peace or any unauthorized person to celebrate marriage. The Act thus

restricted rather than enlarged the right. But, during this session, there were two other bills which passed the Assembly and failed in the Council. The former was introduced by James Gordon of Amherstburg, member for Kent, and was intended only to confirm marriages theretofore publicly contracted in the province "before any Justice of the Peace, Magistrate or Commanding Officer of a Post or before any Minister or Clergyman whatsoever anterior to the passing of" the Act.⁴⁴ The other went much further; it was introduced by Robert Nichol of Stamford, member for Norfolk, who had been exceedingly active in promoting such bills in previous years.⁴⁵ It was along familiar lines providing for the future as well as the past.

There was no division on either of the latter named bills; that of the attorney-general passed by a vote of 19 to 14.⁴⁶

In the second session (1821), a petition was presented by the Methodist Episcopal Church and "their friends within this Province" through Samuel Casey of Adolphustown, member for Lennox and Addington, praying that "the privilege of celebrating matrimony should not be withheld from ordained Ministers of the Methodist Connection". By a vote of 21 to 11, the government party voting in the negative, a special committee of three was named to take the petition into consideration and report by bill or otherwise. Twelve other petitions of the same tenor were presented, and a bill was brought in by Samuel Casey from the special committee. The bill passed by a vote of 21 to 11 and was sent to the Council. It there received the three months' hoist.⁴⁷

In the session of 1823, Casey renewed his attack. His bill passed the Assembly after a division of 20 to 6; it then went to the Legislative Council, and returned from the Council emasculated. The Assembly bill proposed to give legal validity to all marriage ceremonies performed or to be performed by "any Minister, Priest, Ecclesiastic or Teacher according to any Religious form or mode of Worship", the amendment made by the Council struck out the words following "any", and inserted "Resident Minister or Clergyman legally authorized to celebrate Matrimony", thus leaving matters as they were. A motion in the House to accept the amendment was lost on a vote of 11 to 6, and the parliament being prorogued about ten days later, the bill failed.⁴⁸

In the next session, a petition was presented to the House "of the Members and Friends of the Wesleyan Methodist Epis-

copal Church of this Province" praying for the privilege of solemnizing marriage to be allowed to "the Ministers of that denomination"; also one by David Brackenridge and others "praying that the privilege of solemnizing marriages in this Province may be extended to the Ministers of His Majesty's Methodist subjects". A third petition to the same effect was presented from Thomas Dalton Casey, who obtained leave on a division of 15 to 11 to bring in a bill which passed the first and second readings. On a motion to recommit before the third reading, the three months' hoist was defeated by a vote of 17 to 6, and the bill was recommitted. This was to give the same privilege to the ministers of the Wesleyan Methodists as those given in the bill as originally framed to the Methodist Episcopal. The bill was duly passed, and sent up to the Legislative Council under the title "An Act to authorize Ministers of the Society of Methodists to solemnize marriage in this Province"; here it failed on the second reading.

Another bill to confirm irregular marriages also passed the House. It received its second reading in the Council, went into the committee of the whole, and was not again heard of.⁴⁹

The ninth parliament was elected in 1824. The election had been run on almost purely ecclesiastical issues. The Clergy Reserves, a very large quantity of land reserved for the support of Protestant clergy, had been claimed for the Church of England alone by the governors, the governing classes, and the High Church section of the Church of England. A motion of Robert Nichol in 1817 to sell half of these lands and devote the proceeds to secular purposes had failed by Gore's sudden dissolution of parliament.⁵⁰ In 1819, the Presbyterians of Niagara applied for government aid; Maitland obtained the opinion of the law officers of the Crown whether Presbyterians could legally share in the Clergy Reserves; the local attorney-general and solicitor-general thought not, but the law officers in England gave an official opinion that the Church of Scotland could share.⁵¹ But this opinion had no effect; the High Church party successfully resisted the claim of the Church of Scotland, and asserted the exclusive right of their own Church. In the election of 1824, the main battle-ground was the Clergy Reserve question, and in this the Presbyterian and the Methodist Episcopal Church were on the same, as it turned out the successful, side. Heretofore, while it could not be said that the Methodists were the sole demandants of relaxation of the law of marriage, they were by far the most numerous, active and

powerful. After 1824 some at least of the Presbyterians joined hands with them in the endeavour to liberalize the law in respect of marriage.

In the short first session of this parliament no step was taken in the matter of marriage. The House was much taken up with election petitions, and the popular party was somewhat disorganized or rather unorganized. But in the session of 1826, the well-known Marshall Spring Bidwell introduced a bill along the familiar lines, which was carried *nem. con.* in the House. Amendments were then made in the Legislative Council, which purported (1) to repeal the Statute of 1793; (2) to enable "the minister or clergyman of any congregation of persons professing to be members of the Church of Scotland, Lutherans, Congregationalists, Baptists, Methodists, Quakers, Menonists, Tunkers or Moravians" with a proper certificate by the Quarter Sessions of his due ordination, to celebrate matrimony between two persons, one of whom had been a member of his congregation for at least six months; and (3) to validate marriages theretofore celebrated by any duly ordained minister of such congregation or by any one who should receive such a certificate from the Quarter Sessions. In the Assembly, the amendments were ordered to be read by a vote of 28 to 4, but for some reason they were not again mentioned,⁵² and the bill failed.

In the session of 1826-7 Bidwell and Peter Perry introduced the same bill, and it passed without opposition. In the Council it was referred to a special committee who reported, whereupon it was referred back to the special committee to prepare amendments, and that was the end of it.⁵³

In the session of 1828, Perry and Bidwell brought in a bill in the House which on a division of 23 to 1 was reported by the committee of the whole; a motion to re-commit was lost on a division of 14 to 11, but the bill was subsequently recommitted and passed. It was sent up to the Council; the Council delaying, a message was directed by a vote of 20 to 7 to be sent by the Assembly "respectfully reminding that Honourable House of the Bill passed during this present Session by this House entitled 'An Act to make valid certain marriages heretofore contracted and to provide for the future solemnization of matrimony in this Province' and to recommend that bill as of great importance to the consideration of the Honourable the Legislative Council". To this message the Council courteously replied through their Speaker, Chief Justice Campbell, "that if the House of Assembly had con-

formed to the uniform practice of the House of Commons by appointing a Committee to search the Journals of the Legislative Council they would have discovered that the Bill alluded to was in progress and therefore that there was no reason for departing from the usual course". The Council did not depart "from the usual course", and the bill was never heard of again.⁵⁴

The tenth parliament was elected in August, 1828. The same issue was much in controversy as in the former election, and the temper of the people was getting dangerous. William Lyon Mackenzie made his first appearance in the House as a member, being elected with Jesse Ketchum for the county of York; Marshall Spring Bidwell was elected Speaker on January 8, 1829; and Peter Perry gave notice the next day that he would move for leave to bring in a bill to validate past and provide for future marriages; he obtained leave, and the bill was introduced and passed. The Legislative Council made unimportant amendments which were accepted by the Assembly. The lieutenant-governor, Sir John Colborne, was then pleased to reserve the bill "for the signification of His Majesty's pleasure"⁵⁵ on March 20, 1829.

Colborne was a first-rate soldier and believed in rigid discipline in Church and State; he detested the Methodists and thought he had a right to do so on patriotic grounds. He wrote Robert William Hay, permanent under-secretary of state for the colonies, that "the Methodist preachers who are all from the United States are charged with undermining the loyalty of the people but their hostility is directed against the established church . . ."; and he thought the supineness of the Church lamentable. Many of the missionaries would be fit for a quiet country parish in England, but could not "stand against the Methodists".⁵⁶ He even wanted English Methodist missionaries sent to the Indians, lest the books of the American Methodists should create a prejudice.⁵⁷

A reply not having been received from the House administration, the Assembly moved promptly. On the first day and first hour of the session of 1829, Perry moved for leave to bring in a bill on familiar lines, and to dispense with the forty-first rule of the House so far as it related to the bill. This was carried.⁵⁸ The next day the bill was passed, and sent up to the Council by the hands of Perry and Paul Peterson of Prince Edward. The Council asked a conference on the subject-matter, appointing Wells and Markland conferees for that chamber, and the House agreed,

appointing Peter Perry of Lennox and Addington, Robert Randall of Lincoln, John David Smith of Durham, and George Brouse of Dundas, conferees for that chamber.⁵⁹ The Council conferees were instructed to represent that the bill was the same in all respects as that of the previous year, that the pleasure of His Majesty on the former bill had not been declared, that the former bill was still under consideration, and that the Council thought it inexpedient to press the matter upon the Home government "until the expiration of the constitutional period within which the Royal pleasure can be signified". The Council conferees delivered their instructions to the House conferees, and there was nothing more to be done.

When the eleventh parliament met for its first session in 1831, the personnel was different and the feeling not quite the same. On the first day, the attorney-general, Henry John Boulton, gave notice that he would move for leave to bring in a bill to enable the ministers of all religious denominations to celebrate the ceremony of marriage between persons of their respective denominations; a motion by Marshall Spring Bidwell to place the bill in the hands of Boulton and Perry failed by a vote of 12 to 27. The vote cannot fairly be said to have been on party lines but the extreme Reformers, including William Lyon Mackenzie, voted for the motion. On a later division, the solicitor-general, Christopher Alexander Hagerman, voted alone against 40 on an immaterial amendment, and the amendment of Bartholomew Crannell Beardsley of Lincoln, supported by Perry, legitimatizing the children of irregular marriages even if the parties had not co-habited as husband and wife was lost by a vote of 32 to 12. The bill then passed by 44 to 2, Hagerman and John Brown of Durham voting in the negative. The bill went to the Council on February 10, 1831, and received its second reading. It was in special committee when Colborne, on March 2, sent a message to the Council and the Assembly that the bill of 1829 had been approved by the King, and was accordingly finally enacted.⁶⁰

This Act, while passed in 1829, is always cited as of 1830, 11 Geo. IV, cap. 36. Its provisions were liberal: all marriages theretofore publicly contracted in the province before any justice of the peace or any minister or clergyman were validated; means were provided for preserving evidence of such marriages similar to those in the Act of 1793; clergymen of any church or congregation "professing to be members of the Church of Scotland, Lutherans, Presbyterians, Congregationalists, Independents, Methodists,

Menonists, Tunkers or Moravians" were authorized to "solemnize the ceremony of marriage within this Province between any two persons" on obtaining a certificate from the Court of Quarter Sessions of their District. To obtain such certificate, they must appear before the Court, take the oath of allegiance, and prove that they were regularly ordained. Banns or licences were necessary, and proper returns were to be made under severe penalties. Substantially, all real grievances were removed by this Act, but the sentimental one remained that clergymen of the Church of England were not required to take out a certificate from the Quarter Sessions, while all other clergymen and ministers were, and there were a few denominations not included. In 1859, the Act 20 Vict. c. 66 (Can.), reciting that under the existing laws "privileges are claimed with regard to the solemnization of matrimony by the clergymen and ministers of certain denominations which are partial in their character and offensive to certain other denominations and their Clergymen and Ministers", provided that

From and after the passing of this Act, the Ministers and Clergymen of every religious denomination in Upper Canada, duly ordained or appointed according to the rites and ceremonies of the Churches or denominations to which they shall respectively belong, and resident in Upper Canada, shall have the right to solemnize the ceremony of Matrimony, according to the rites, ceremonies and usages of such Churches and Denominations respectively, by virtue of such ordination or appointment.

In 1896, by the Ontario Act 59 Vict., c. 39, an elder evangelist or missionary of the "Congregation of God" or "of Christ", *i.e.*, "Disciples of Christ", was authorized as well as a commissioner or staff officer of the Salvation Army. Quakers are specially provided for.

It is not only Christian ministers who have this privilege; it extends to every "church and religious denomination". As is said by Chief Justice Armour: "The statute should receive a wide construction, it does not say 'Christian' but 'religious'. If it said 'Christian', it would exclude Jews. The fundamental law of the Province makes no distinction between churches or denominations; everyone is at liberty to worship his Maker in the way he pleases." Consequently a duly ordained priest of "the Reorganized Church of Jesus Christ of Latter Day Saints" can validly marry.⁶¹ But one cannot yet get up a little church of his

own and thereby obtain the power of celebrating marriage; there must be something of a denomination.⁶²

WILLIAM RENWICK RIDDELL

NOTES

¹ This was the law in England until after the Reformation; then the presence of either priest or deacon ordained by a Church of England bishop became sufficient. It is unnecessary to consider whether a Church of England clergyman could legally perform the marriage ceremony in Upper Canada before the legislation of 1792. Those who would know more of the law of England should read *R v Millis* (1844) 10 Cl. & F. 334; *Beamish v Beamish* (1859-1861) 9 H.L.Cas. 274.

² (1792) 32 George III c. 1, s. 3 (U.C.).

³ "There is little doubt that in a heathen land, marriage between British subjects may lawfully be celebrated by a clergyman of the Church of England either on board ship or on shore" (*Hammick, Law of Marriage*, London, 1887, p. 266). I do not discuss this question.

⁴ For example, Captain James Hamilton, whose descendants are still living in Canada, was married at Michilimackinac to Louisa Mitchell, daughter of Dr. David Mitchell, surgeon-general to the Indian Department at that post, the father performing the ceremony. On their arrival at Niagara, they found there the Rev. Robert Addison, a clergyman of the Church of England, and were remarried by him. The register (which was Mr. Addison's own but became that of St. Mark's Church) reads, "August 24th, 1792, Captain James Hamilton to Louisa Mitchell his wife. They had been married by some commanding officer or magistrate and thought it more decent to have the office repeated."

⁵ Can. Arch., Q. 279, 1, 79. Simcoe to Dundas, November 4, 1792

⁶ Can. Arch., Q. 271, 1, 169. Simcoe to Dundas, November 6, 1792. With the bill was sent a careful report by Cartwright, in which he says: "The Country now Upper Canada was not settled or cultivated in any part except the settlement of Detroit till the year one thousand seven hundred and eighty four, when the several Provincial Corps doing Duty in the Province of Quebec were reduced and together with many Loyalists from New York, established in different parts of this Province, chiefly along the River St. Lawrence and Bay of Quenti. In the meantime from the year 1777 many families of the Loyalists belonging to Butler's Rangers, the Royal Yorkers, Indian Department and other Corps doing Duty at the Upper Posts had from Time to Time come into the country and many young Women of these Families were contracted in Marriage which could not be regularly solemnized, there being no Clergyman at the Posts, nor in the whole country between them and Montreal. The practice in such cases usually was to go before the Officer Commanding the Post who publicly read to the parties the Matrimonial Service in the Book of Common Prayer, using the Ring and observing the other forms there prescribed or if he declined it as was sometimes the case, it was done by the Adjutants of the Regiment. After the settlements were formed in 1784 the Justices of Peace used to perform the Marriage Ceremony till the establishment of Clergymen in the Country, when this practice adopted only from necessity hath been discontinued in the Districts where Clergymen reside. This is not yet the case with them all; for though the two lower Districts have had each of them a Protestant Clergyman since the year 1786, it is but a few months since this [Nassau or Home] District hath been provided with one; and the Western District in which the

settlement of Detroit is included, is to this Day destitute of that useful and respectable Order of men; yet the Town of Detroit is and has been since the Conquest of Canada inhabited for the most part by Traders of the Protestant Religion who reside there with their Families, and among whom many intermarriages have taken place, which formerly were solemnized by the Commanding Officer, or some other Layman occasionally appointed by the Inhabitants for reading prayers to them on Sundays but of late more commonly by the Magistrates since Magistrates have been appointed for that District.

"From these circumstances it has happened that the Matriages of the generality of the Inhabitants of Upper Canada are not valid in Law, and that their children must *stricto jure* be considered as illegitimate and consequently not intitled to inherit their property. Indeed this would have been the case, in my opinion, had the Marriage Ceremony been performed even by a regular Clergyman and with due Observance of all the forms prescribed by the Laws of England. For the clause in the Act of the 14th year of His Present Majesty for regulating the Government of Quebec which declares 'That in all cases of Controversy relative to Property and Civil Rights, resort shall be had to the Laws of Canada as the Rule for the Decision of the same' appears to me to invalidate all Marriages not solemnized according to the Rites of the Church of Rome, so far as these Marriages are considered as giving any Title to property.

"Such being the Case, it is obvious that it requires the Interposition of the Legislature as well to settle what is past, as to provide some Regulations for the future, in framing of which it should be considered that good policy requires that in a new Country at least, matrimonial Connections should be made as easy as may be consistent with the Importance of such engagements; and having pledged myself to bring this Business forward early in the next Session, I am led to hope that Your Excellency will make such Representations to His Majesty's Ministers as will induce them to consent to such arrangements respecting this Business as the circumstances of the Country may render expedient. Measures for this purpose have been postponed only because they might be thought to interfere with their Views respecting the Clergy of the Establishment.

"Of this Church I am myself a Member and am sorry to say that the State of it in this Province is not very flattering. A very small proportion of the Inhabitants of Upper Canada have been educated in this Persuasion and the Emigrants to be expected from the United States will for the most part be Sectaries or Dissenters; and nothing prevents the Teachers of this class from being proportionally numerous, but the Inability of the People at present to provide for their support. In the Eastern District the most populous part of the Province there is no Church Clergyman. They have a Presbyterian Minister, formerly Chaplain to the 84th Regiment who receives from Government fifty Pounds p. ann. They have also a Lutheran Minister who is supported by his Congregation, and the Roman Catholic Priest settled at St. Regis occasionally officiates for the Scots Highlanders settled in the lower part of the District, who are very numerous and all Catholics. There are also many Dutch Calvinists in this part of the Province who have made several attempts to get a Teacher of their own Sect but hitherto without success.

"In the Midland District where the Members of the Church are more numerous than in any other part of the Province, there are two Church Clergymen who are allowed one hundred pounds p. ann. each by the Government, and fifty pounds each by the Society for the Propagation of the Gospel. There are here also some itinerant Methodist Preachers the Followers of whom are numerous. And many of the Inhabitants of the greatest property are Dutch Calvinists who for some time past have been using their endeavours to get a Minister of their own Sect among them. In the

Home District there is one Clergyman who hath been settled here since the month of July last. The Scots Presbyterians who are pretty numerous here and to which Sect the most respectable part of the Inhabitants belong have built a Meeting House and raised a Subscription for a Minister of their own who is shortly expected among them. There are also here many Methodists & Dutch Calvinists. In the Western District there are no other clergy than those of the Church of Rome. The Protestant Inhabitants here are principally Presbyterians."

⁷ Can. Arch., Q. 279, 1, 227. John King to Simcoe, July 12, 1793. Why King of the Home Department should have written does not appear. At the time, and from 1782 till 1801, the Colonies were allotted to the Foreign Department. The report cannot be found in the files; but Simcoe received it on November 10, 1793 (Can. Arch., Q. 280, 1, 14); he took it home with him; and the late John Ross Robertson was able to obtain a copy of it at Wolford Manor. Through the courtesy of Mr. Irving Robertson, I am enabled to set it out here, which I do in consideration of its interest from a legal point of view:

"Sir

"In obedience to His Majesty's Commands signified to us by your letter of the 22nd May last, directing us to report to you for His Majesty's consideration such provisions as by law we should think necessary for the purposes expressed in the draught of a Bill transmitted to us with the said letter, to make good and valid certain marriages contracted in the Province of Upper Canada, and to provide for the future solemnization of marriages in the said Province, we submit as proper for the purposes which appear to us to have been intended by the draught so transmitted the provisions herewith enclosed. We observe that the draught transmitted to us contains no provision respecting marriages solemnized by Ministers duly ordained either with reference to past or future marriages, and we therefore presume that such provisions have been or are intended to be made by a separate Act.

"We have the honor to be Sir,

"Your most obedient servants,

(Signed) WILLIAM SCOTT

JOHN SCOTT

JOHN MITFORD."

"24th June 1793.

"The Right Honourable Henry Dundas."

[Enclosure.]

"The following are the provisions referred to by the letter enclosed herewith:

"That all Marriages before a day to be specified which shall have been publicly contracted before any Magistrate or Commanding Officer of a Post, or Adjutant or Surgeon of Regiment acting as Chaplain, or before any other person publicly officiating for such purpose not being a Priest or Minister ordained according to the form of ordination in the Church of England shall be declared to be good and valid in law to all intents and purposes as if the same had been duly solemnized by a Priest or Minister duly ordained.

"That for the purpose of preserving evidence of all such Marriages, it shall be lawful for the parties who have contracted such Marriages respectively or either of them to go before a Magistrate and make oath of the fact of such Marriage, the form of the oath being specified in the Act, and the Magistrate being authorized to administer the same.

"That if one of the parties shall be dead it shall be lawful for the survivor to make oath to the same effect according to the circumstances.

"That if both shall be dead, or if both, or either of the parties shall be living and shall require the same, it shall be lawful for a Magistrate to take the deposition on oath of any person or persons present at such marriage.

"That in every such oath or disposition there shall be expressed what issue shall have been born of such Marriages respectively, and the times and places of the birth of such issue so far as such particulars shall be known to the deponents respectively.

"That such depositions when taken shall be subscribed by the persons making the same and certified by the Magistrate, who shall take the same, and be returned and filed in some proper office or offices to be appointed for that purpose, and transcripts thereof shall be entered in books or registers to be kept by such officer or officers.

"That such depositions or such transcripts thereof or copies of the same duly attested as the Act shall prescribe shall be received as evidence of such Marriages respectively, subject to the objections which may be made to the credit to be given to the testimony therein contained.

"That until there shall be in the respective districts of the Province a certain number to be limited in the Act of established Parochial Ministers duly ordained according to the form of ordination in the Church of England, it shall be lawful for parties desirous of intermarrying, and not living within a specified distance of a Parochial Minister or Priest ordained as aforesaid to contract Matrimony before a Justice of Peace, having first obtained a license for that purpose from the Governor or Lieutenant Governor or person administering the Government of the Province to grant licenses for such purpose on notice of such intended marriage having been first duly published at such times, in such manner and according to such form as shall be prescribed by the Act.

"That such Justice shall in pursuance of such license, or after the publication of such notice be authorized to marry such parties according to the form of the Church of England, and shall give the parties a certificate of such marriage in a form to be prescribed by the Act, and to be signed by the Justice and also by the parties and by two or more persons present at such Marriage.

"That the Justice shall transmit or cause to be transmitted to such Officer or Officers as before mentioned, a duplicate of such certificate signed in like manner, which duplicate shall be filed by such Officer and a transcript thereof inserted in the Book or Register before mentioned, and such certificate or duplicate or transcript to be attested as the Act shall prescribe shall be evidence of such Marriage.

"That when there shall be within any district of the Province such number as before mentioned of established parochial Clergy ordained as aforesaid, the same shall be certified by the Governor, Lieutenant Governor or person administering the Government of the Province to a general quarter sessions to be holden for such district, and such certificate shall be publicly read by the Clerk of the Peace and from thenceforth the power of Justices to celebrate Marriages shall cease within such district.

"That if after publication of such certificates as aforesaid any person not being a Minister ordained as aforesaid shall knowingly or wilfully take upon himself to solemnize Matrimony according to the form of the Church of England and be thereof lawfully convicted, he shall be punished in such manner as shall be prescribed by the Act.

"That it shall be no valid objection to any Marriage which has been or shall be solemnized within the said Province that the same was not celebrated in a consecrated church or chapel.

"That proper fees shall be provided for the Justices and other officers and persons on whom duties shall be imposed by the Act, such fees to be ascertained by the Act.

"That proper compulsory clauses shall be contained in the Act, and particularly clauses to compel persons who shall have been present at any marriage to go before a

Magistrate and make deposition concerning the same at the instance of the parties or either of them or any of their issue.

(Signed) WILLIAM SCOTT

JOHN SCOTT

JOHN MITFORD, 24th June 1793."

⁸ 7 Ont. Arch. Rep. (1910), pp. 18-21.

⁹ 6 Ont. Arch. Rep. (1909), pp. 30, 31, 33, 35, 36.

¹⁰ *Life and Letters of Hon. Richard Cartwright*, Toronto and Sydney, 1876, p. 52.

¹¹ It was assented to by Simcoe on July 9, 1793, three days before King despatched the opinion of the imperial law officers on Osgoode's bill. Simcoe writes Dundas from "York (late Toronto) U.C.", on September 16, 1793 (Can. Arch., Q. 278, 2, 335), as follows: "The General cry of persons of all classes for the passing the Marriage Bill was such that I could no longer withhold under the pretence of consulting any opinion at home, having already availed myself of that excuse for delay. There are very few Members of the Church of England in either House and the disposition of the House of Assembly is to make matrimony a much less solemn or guarded contract than good policy will justify. They returned the Bill with a rider giving power to Ministers of every sect and denomination (of which in this country there are not a few) to solemnize matrimony, and it was only on a compromise that they were prevailed upon to withdraw it upon the apprehension of some persons in the Upper House of losing what they were likely to obtain by the present Bill and a promise of support to a Bill of any latitude that might be brought in next Session which Mr. Hamilton is to introduce."

¹² Eastern, Midland, Home, and Western were the names substituted in 1792 by the Act 32 George III, c. 8 (U.C.) for Dorchester's original names Luneburg, Mecklenburg, Nassau, and Hesse.

¹³ I have been enabled to make this discovery and to copy the entries through the courtesy of Mr. J. W. Mallon, the Inspector of Legal Offices, Osgoode Hall, Toronto.

¹⁴ Can. Arch., Q. 280, 16. Dundas to Simcoe, March 16, 1794.

¹⁵ Can. Arch., Q. 280, 1, 256. The memorandum is contained in the letter from Simcoe, *ibid.*, 237.

¹⁶ No record of the proceedings of the Upper Canada parliament for the years 1795, 1796, and 1797 is known to exist. We must rely on Simcoe's dispatches and the Wolford Manor papers for information. Simcoe writes Portland, who had succeeded Dundas as Home Secretary, on August 22, 1795, as follows: "A petition was also presented from the Presbyterians or Dissenters to repeal such part of the Judicature [*sic*] Act as prevented the Dissenting Minister from solemnizing marriages. Means were found to defer the Petition to the next year when it may be apprehended it will be seriously agitated" (Can. Arch., Q. 281, 2, 453).

¹⁷ *Wolford Manor Papers*, vol. 7, p. 178.

¹⁸ Can. Arch., Q. 292, 2, 499-503.

¹⁹ Can. Arch., Q. 278, 1, 175.

²⁰ *Wolford Manor Papers*, vol. 7, p. 238.

²¹ See the *Wolford Manor Papers*, vol. 7.

²² Chief Justice John Elmsley arrived in Newark in November, 1796. It was his duty to report to the Home authorities on the bills originating in the Legislative Council, and that of the attorney-general on those originating in the Legislative Assembly. As Elmsley reported on this Act, it must have originated in the Legislative Council.

²³ Can. Arch., Q. 284, 50 sqq. Report of Chief Justice Elmsley, November 26, 1797, sent by the Administrator, Peter Russell, to the Duke of Portland.

²⁴ The royal assent was promulgated by proclamation of date December 29, 1798: the Act should really be cited as of 37 George III, but in the Statutes it is called 38 George III, c. 4.

²⁵ The "Disruption" or great Secession took place in 1843.

²⁶ The Tunkers and Menonists (or Mennonites) were sects of Baptists. In an address of the Baptist church in Clinton, District of Niagara, to Sir Peregrine Maitland, lieutenant-governor of Upper Canada, dated at Clinton January 16, 1821, and signed by John Upfold, Pastor, and Jacob Beam, Church Clerk, this church claimed to be Calvinist, because it had "cordially embraced those five grand points of gospel doctrine which Calvin manfully defended against the errors of Popery, viz.: Predestination, particular redemption, effectual vocation, justification by the imputed righteousness of Christ and the perseverance of the Saints to glory" (Can. Arch., Sundries, U.C. 1821). It was under the name of "Religious Congregation of Calvinists" that Reuben Crandell, a well-known Baptist elder, received a licence from the Quarter Sessions for the District of Newcastle, on April 9, 1805: he could validly celebrate marriage within that District, but when he removed to another District he was convicted of crime for performing the ceremony there. Some of the Dutch Reformed later united with the Presbyterians.

²⁷ I have myself heard a very old Methodist tell with glee and pride the story of a Methodist minister from the United States who, on being asked if he would pray for the King, answered, "I have no objections: I guess he is not past praying for."

²⁸ Elmsley, in the report referred to above (p. 231), says: "It is possible that under the cover of one or other of these classes, attempts may be made by some of the wretched itinerant enthusiasts who infest the States and sometimes wander into this Province, to possess themselves of so valuable a privilege as the power of celebrating marriages, but it is hoped that the qualifications required by the Statute and the discretion vested in the Magistrates in Quarter Sessions will be sufficient to defeat their endeavours" (Can. Arch. Q. 284, pp. 51, 52).

²⁹ Elmsley says of this clause: "The last clause was framed in order to legalize certain marriages celebrated by a man who whatever his other qualifications, was unquestionably a Minister of the Church of Scotland" (Can. Arch., Q. 284, p. 52).

³⁰ It is possible that the "Bill for granting Indulgences to the people called Quakers, Menonists and Tunkers" which passed its third reading in the Assembly, June 23, 1801, but received the three months' hoist in the Council, June 24, 1801, on motion of Cartwright and Baby was a Marriage bill; but I can find no reference to it of any kind, and have nothing but conjecture to offer.

³¹ Sixth Ont. Arch. Rep. (1909), p. 119. For leave only two votes were given, those of Timothy Thompson of Lennox, Hastings, and Northumberland, and David McGregor Rogers of Prince Edward and Adolphustown.

³² Sixth Ont. Arch. Rep. (1909), pp. 263, 265, 268, 269, 270. 272: Seventh Ont. Arch. Rep. (1910), p. 160. The vote in the House of Assembly was 9 to 5 for the bill: the Council was apparently unanimous against it.

³³ Eighth Ont. Arch. Rep. (1911), pp. 63, 64, 71, 73, 75, 77, 78: Seventh Ont. Arch. Rep. (1910), pp. 262, 263.

³⁴ Eighth Ont. Arch. Rep. (1911), pp. 133, 135, 137, 159, 171, 172, 173, 176, 177: Seventh Ont. Arch. Rep. (1910), pp. 291, 292.

³⁵ Eighth Ont. Arch. Rep. (1911), pp. 195, 201, 202, 204, 206, 208, 213, 214, 230, 233, 237, 238: Seventh Ont. Arch. Rep. (1910), pp. 306, 309, 310, 31, 312, 313, 314, 316, 317. The conferees for the House were Sherwood, Rogers, Washburn, and McLean (afterwards Chief Justice); for the Council they were Baby and Cartwright. It is almost grotesque to find Cartwright opposing the bill on the ground stated, but after

his own case had been fairly provided for, his views seem to have undergone a radical change.

³⁶Ninth Ont. Arch. Rep. (1912), pp. 183, 186, 195, 205, 217, 220, 221, 222. The vote was 12 to 7. The record of the proceedings of the Council for this year is lost: and no particulars are available of the course of the bill in Council.

³⁷Benajah Mallory, who had been elected for Norfolk, Oxford, and Middlesex in the fourth parliament (1804) and for Oxford and Middlesex in the Fifth Parliament (1808), and who had been unsuccessfully petitioned against by his Tory opponent, Samuel Ryerse, on the ground that he was "a preacher and teacher of the Religious Society or Sect called Methodists" did prove himself a traitor: he left the province, and not appearing to answer an indictment for high treason found against him at the Ancaster "Bloody Assize" in 1814, he was outlawed on July 3, 1815.

³⁸Andrew Prindle, born in what is now Prince Edward County in 1780, ordained in 1806, is said to have been the first Canadian-born Methodist Episcopal minister in the province.

³⁹Can. Arch., Sundries, U.C., 1821.

⁴⁰Ninth Ont. Arch. Rep. (1912), pp. 458, 462-8, 479, 506, 511-14. The records of the Council for 1818 are not extant.

⁴¹The Act is (1818) 59 George III, c. 15 (U.C.). The title indicates that it was intended to "provide for the further solemnization of Marriage within the Province", but no such provision is to be found in the Act.

⁴²Tenth Ont. Arch. Rep. (1913), pp. 236, 244, 252, 253, 255.

⁴³Tenth Ont. Arch. Rep. (1913), pp. 270, 324, 377, 379, 391, 510. The Journals of the Council are not extant.

⁴⁴Tenth Ont. Arch. Rep. (1913), pp. 357, 424, 448.

⁴⁵Tenth Ont. Arch. Rep. (1913), pp. 285, 321, 326, 443, 444.

⁴⁶Tenth Ont. Arch. Rep. (1913), p. 277.

⁴⁷Eleventh Ont. Arch. Rep. (1914), pp. 46, 47, 48, 49, 54, 72, 75, 77, 84, 90, 91, 115, 116, 122, 125, 147.

⁴⁸Eleventh Ont. Arch. Rep. (1914), pp. 306, 319, 340, 342, 344, 403, 405; the divisions are given on pp. 340, 405.

⁴⁹Eleventh Ont. Arch. Rep. (1914), pp. 451, 455, 458, 469, 475, 479, 534, 535. The "Wesleyan Methodists" were those in connection with the English body: Henry Ryan's Canadian Wesleyan Church was yet in the future, and he was in full communion with the Methodist Episcopal Church, being a presiding elder. A petition by "Reformed Methodists" to be relieved from militia duty was refused (Eleventh Ont. Arch. Rep. (1914), p. 302). This petition was very unjustly made use of to cast discredit upon Methodists generally. The "Reformed Methodists" had their origin with Pliny Brett who left the N.E.M.E. Conference in 1813, and formed the new Church of Reformed Methodists. A few in Upper Canada especially in and about Ernesttown joined the secession about 1816-17; they believed in modern miracles, and much resembled the "Nazarites" of the United States. The connexion did not last long in Upper Canada.

⁵⁰Ninth Ont. Arch. Rep. (1912), pp. 422, 423.

⁵¹This opinion has frequently been published: it is found in convenient form in Charles Lindsey's *Clergy Reserves*, Toronto, 1851, p. 9.

⁵²Journals, House of Assembly, 1825-6, pp. 15, 28, 78, 79. The minority were Bartholomew Crannell Beardsley of Lincoln, Thomas Horner of Oxford, Edward McBride of Niagara (Town) and Peter Perry of Lennox and Addington. It is impossible from the division list to determine upon what the House actually divided. It was in

this session that the attack upon Chief Justice Powell for being a member of the Executive Council was made in the House (Journals, Legislative Council, 1825-6, pp. 28, 30, 31, 35, 43, 50, 52).

⁸³Journals, House of Assembly, 1826-7, pp. 3, 19, 39, 80, 83. Journals Legislative Council, 1826-7, pp. 63, 66, 71.

⁸⁴Journals, House of Assembly, 1828, pp. 19, 21, 22, 91, 106, 113, 114. On the first division the attorney-general, John Beverley Robinson, stood alone; in the second he was joined by Francis Baby (Essex), Duncan Cameron (Glengarry), James Gordon (Kent), Charles Ingersol (Oxford), Charles Jones (Leeds), Jonas Jones (Grenville), William Scollick (Halton), William Thompson (York and Simcoe), Philip VanKoughnet (Stormont), and Reuben White (Hastings), the full Tory strength; in the third division the attorney-general carried with him of his former fellows Cameron and Scollick, he acquired Zaccheus Burnham (Northumberland), David Jones (Leeds), Archibald McLean (Stormont), John Matthews (Middlesex), who had not voted on the previous division; VanKoughnet and White deserted him for the winning side.

⁸⁵Journals, House of Assembly, 1829, pp. 5, 9, 13, 46, 47, 48, 76. Journals Legislative Council, 1829, pp. 18, 24, 29, 30, 31, 57, 92.

⁸⁶Can. Arch., Q. 351, I, p. 85. The letter is mostly on university matters.

⁸⁷Can. Arch., Q. 351, p. 326.

⁸⁸Journals, House of Assembly, 1830, pp. 1, 3, 14, 60, 66. Journals, Legislative Council, 1830, pp. 11, 13, 20, 73.

⁸⁹The first two were staunch Liberals, the second rather uncertain, and the fourth was replaced by Paul Peterson, an undoubted Liberal.

⁹⁰Journals, House of Assembly, 1831, pp. 3, 5, 13, 14, 15, 16, 19, 28, 31, 32, 45, 46, 47, 75. Journals Legislative Council, 1831, pp. 42, 44, 52, 54, 55, 66, 68, 69.

⁹¹Regina v. Duckout (1893) 24 O.R. 250.

⁹²Rex v. Brown (1908) 17 O.L.R. 197. Robert Brown got up a congregation in Toronto, "The First Christian Chinese Church, Toronto", and as the minister of that church solemnized marriages; he was convicted, and the conviction was affirmed by the Court of Appeal.

NOTES AND DOCUMENTS

EDWARD BLAKE'S AURORA SPEECH, 1874

There have been few political speeches in Canada which have been more justly famous, and which have exerted a wider influence on Canadian popular opinion, than Edward Blake's "Aurora Speech" of October 3, 1874. The speech was delivered at a time when Edward Blake had taken up a somewhat independent attitude toward the Liberal party under Alexander Mackenzie and George Brown, and was leaning toward the doctrines of the new nationalist or "Canada First" party. It was, indeed, little more than an elaboration of the platform of the Canadian National Association; but it served to give the ideas of the Canadian nationalists a currency which they had not gained before, and in its bold and daring originality it gave a real stimulus to Canadian political thought. A speech which, nearly half a century ago, advocated such advanced ideas as the necessity for the growth of a national feeling in Canada, the reorganization of the Empire on a federal basis, the reform of the Senate, compulsory voting, and proportional representation, can only be described as a landmark in Canadian politics.

The "Aurora speech" was reproduced—though very grudgingly and in piecemeal instalments—in the *Toronto Globe* a few days after it was delivered. This report of the speech was afterwards reprinted in pamphlet form, together with copious extracts of newspaper comment, under the title, "*A National Sentiment!*" *Speech of Hon. Edward Blake, M.P., at Aurora* (Ottawa, 1874). But this pamphlet is now very rarely seen, and the back files of the *Globe* for 1874 are to be found in very few places. It has, therefore, seemed worth while to reprint the speech in full here, and more particularly since, as the result of Edward Blake's own wishes, it appears that there is to be no official biography of him, or official publication of his letters and speeches.

W. S. WALLACE

[*Reprint*]

Mr. Chairman, Ladies and Gentlemen,—You will allow me to add my congratulations to those of the previous speakers upon the happy circumstances under which you are to-day assembled, and to express my own feeling of rejoicing that the first occasion upon which I have been permitted to address the electors of this historic riding, should be that of the celebration of an event not unimportant in your own annals or in those of Canada at large—the victory which has brought back to the standard around which it had rallied for so many years the united Liberal party of this riding. I recollect the political history of this constituency for a good many years. Up to the year 1871, when we made our calculations as to the probable results of a general election there was never any doubt or hesitation as to what might be the verdict of North York, but from 1871 to the late election all this was changed, and I am very glad indeed that a riding which had in the past played the part North York has played, should have by a very decisive majority restored its fair name and fame, and brought itself once more into good standing amongst the Liberal constituencies of Canada. (Cheers.) My friend, Mr. Mowat, who has spoken, has given you a very interesting account of the finances, and a terse but clear statement of the general course of legislation of the Province since the accession to office of the Liberal party. I do not propose to touch upon those topics at all. I desire simply to say that, having been for the last two years an observer, though not so close an observer as before, of the course, administrative and legislative, of the Provincial Government—without pretending to be able to form an accurate judgment as to all the petty details in respect of which my friends have been accused, being obliged in fact to confess to you frankly that I have never had the time to enter into the calculations necessary to come to a conclusion whether or not they paid too much for the fence around the Parliament Buildings—(laughter and applause)—yet, speaking of larger matters, which are fit to occupy the attention of an intelligent people, the general course of administration and legislation has been such as to commend itself to my poor judgment, and in my belief to entitle that Government to the confidence, the respect, the affection, and the continued support of the people of this Province. (Cheers.) With reference to the questions which are likely to come before the country at no distant time, some of these, as my friend Mr. Dymond remarked to you, are in such a position that they may not, to the public advantage, be at this instant discussed. There is, for example, a question which is of extreme importance to the people of this country. I refer to the negotiations for a Reciprocity Treaty now pending. (Hear, hear.) Without, in the slightest degree, pre-

suming to set up my judgment against that of those who have thought it to the public advantage to discuss the draft Treaty at this time, I confess I never have been able to agree in that view, and for this reason— You are aware that the question, whether this draft shall be agreed to or rejected, is to be discussed and disposed of by the Senate of the United States next December, and it seems to me that every argument that may be used just now in Canada in favour of that Treaty, by those who do favour it, is an argument calculated more or less to damage the chances of its approval by the Senate, who will, I fancy, look at it from the exactly opposite point of view. On the other hand, with reference to those Canadians whose opinion is against the Treaty, all the arguments they use, all the meetings they convene, all the resolutions they pass, seem to me to be so many invitations to the Senate of the United States to pass the Treaty and take that step at any rate towards the consummation which they are deprecating all the time. (Hear, hear.) Therefore it appears to me inexpedient for either side to discuss it now, but I quite agree that it is a question which will at the proper time demand at the hands of the representatives of the people the fullest consideration and the most exhaustive discussions. I think the general principle upon which our judgment is to be formed are not far to seek. We shall have to consider, in case we be given the opportunity of passing judgment upon the question, whether the document is one which will, as a whole, without doing gross injustice to any important interest, tend to the general advantage of this country. We are to take, not indeed an undistinguishing, but at the same time a broad, view of that question, and we are to decide it freely for ourselves. I entirely demurred to the line of action taken outside and in Parliament with reference to the Treaty of Washington. I insisted that Parliament ought to be perfectly free, since the question was remitted to it, to determine whether the acceptance or the rejection of its terms was in the interest of the country. What I said then I now repeat, and I am sure it will be found when Parliament does meet, should this question be brought before us, that the large majority which sustains the Government will be disposed to deal with it upon that basis only. I regret under these circumstances that at a recent assemblage of the Liberal-Conservative party, so called, of this Province, a party platform was enunciated, a party line taken with reference to this Treaty, and it surprised me not a little to see that while their Press earnestly denounced the supposition that it was to be made a party measure on the Ministerial side, they should have been first, in solemn convention assembled, to take a party line on the other. Those who have preceded me have referred at some length to the actions of the past. I desire to say something of the present and the future,

illustrated, it may be, by the reference to the past; and I turn to another question of very great practical importance—the present position of the Pacific Railway matter. You will have observed that when the Government of which I was then a member undertook to deal with that question, their policy was enunciated in distinct terms to the electors before the late appeal, and that policy was most unequivocally approved, first at the polls and subsequently in Parliament. (Hear, hear.) I see that a deputation has been sent to England; that the people of British Columbia—no, not the people of British Columbia, for I do not believe they as a body sympathize with these extreme views—that the Government of British Columbia has sent a deputation to England urging that some measure should be taken to force the Government and people of this country to do more than has been proposed with reference to that railway. We last session took the unpleasant step of very largely increasing the rate of your taxation in order to provide funds towards the fulfilment, so far as practicable, of this and other obligations imposed on you by the late Government. Every man among us is now paying one-sixth more taxes than before in order to this end. Parliament has agreed that the work shall be done just as fast as it can be done without further burdening the people of this country, and I believe that the step just taken is a very long step on the part of the people of this country in redemption of the pledge given to British Columbia. At the period when terms were proposed to British Columbia which her rulers did not see fit to accept, I had ceased to be a member of the Canadian Government. Those terms in my opinion went to the extreme verge, and demonstrated the existence of an earnest desire to do everything which could be—with any show of reason—demanded, and I should very much regret if any attempt were made to entangle the country further, or arrange for the commencement and prosecution of the work more rapidly than is involved by the term so offered, and the large provision which we made by the increase of taxation last session. We are called upon to commence the work immediately. I do not know that I can point out to you more strikingly the rashness—the insanity of the bargain thrust upon you by your late rulers, than by telling you that the abandoned line of the Fraser—abandoned early because it was thought by the engineers to be so expensive and difficult as to be impracticable—has been returned to, as affording the prospect of a better line than those upon the exploration of which such large sums have been expended. And this is the state of things long after the railway should, under the bargain, have been begun. We are asked to begin at once, though we cannot yet find a route, and while a mistake in the choice may involve an extra expenditure not only of many millions

in the first cost, but of annual millions more in the running of the road. (Hear, hear.) Until these surveys are thoroughly completed, and until we have found the least impracticable route through that inhospitable country, that "sea of mountains," it is folly to talk of commencing the work of construction. Speaking conjecturally, I am of the opinion that the British Columbia section of the railway, even if it turns out to be practicable as an engineering work, will involve an enormous expenditure, approximating to \$36,000,000, and after its completion will involve an enormous annual charge on the revenues of the country for its running expenses; and I doubt much if that section can be kept open after it is built. I think the chief advantage the British Columbians will derive from the enterprise will consist in the circulation of money, and the profits of mercantile operations attendant on the construction, and that Canada will be a frightful loser by the affair. Now, even under these circumstances the fact that the population of British Columbia is only some 10,000 altogether, representing, perhaps, not so many householders as the audience I now see before me, ought not to disentitle them to say—"You shall fulfil your bargain, or release us from our bonds." It is their right to take such a course, if they think fit, but I deny that this is any reason why we should plunge this country into ruin by the attempt. I have some reason to believe that these people are sufficiently sensible and reasonable to recognize and act on the truth of the matter, unless, indeed, they are sustained by agitators in this country, who are willing for the sake of creating an embarrassment to the Government, to excite false and delusive hopes among them. The temper of Parliament you may judge from the fact that during last session an amendment was moved by one of the British Columbia members insisting upon an early prosecution of the work in that Province, but he was sustained by five members only—two or three from his own Province, and a couple of those who my friend Mr. Mowat delights to call Ontario Tories. (Laughter.) If under all the circumstances the Columbians were to say—"You must go on and finish this railway according to the terms or take the alternative of releasing us from the Confederation," I would—take the alternative! (Cheers.) I believe that is the view of the people of this country, and it may as well be plainly stated, because such a plain statement is the very thing which will prevent the British Columbians from making such extravagant demands. If these 2,000 men understand that the people of Canada are prepared, in preference to the compliance with their ruinous demands to let them go and to leave them to build the Columbia section with their 10,000 people, their tone will be more moderate, and we shall hear no talk about secession. The principal person who has spoken of it hitherto is

Sir John A. Macdonald, who almost invited it in his election speech during the late contest. They won't secede, they know better. Should they leave the Confederation, the Confederation would survive, and they would lose their money. (Laughter.) With regard to those sections of the railway which involve the communication between our interior seaboard and the great Northwest, the utmost diligence is being used to put them under contract. I go heart and soul for the construction of these lines as rapidly as the resources of the country will permit, in conjunction with an extensive scheme of immigration and colonization. The work of construction in itself will afford very great facilities for the rapid colonization of those territories: the annual cash expenditure in labour will produce attractions enabling us to a considerable extent to people the land. The interests of Canada at large point very prominently to a speedy settlement of that country. In my own humble belief the future of Canada as a distinct State, the representative of British power on this continent, largely depends upon our success in colonizing that region, and what is equally important and perhaps more difficult on our success in retaining its sympathies, its trade, its commerce afterwards. Fertile as is the soil, great as are the resources, glorious as are the prospects with reference to production, it is certain that the distance from the great markets of the world of the inland portions of that country will form one great difficulty to be overcome. You have read of the war which is going on between the farmers and the railways on the Western States, the attempt which is being made to cut down freights by legislation. But I do not find that those railways are very rich. The fact is the war is a war against distance; it is a war against time and space; and that is the war the farmers of the North-west will have to encounter. We ought to help as far as possible the successful prosecution of that war, and to that end we must do what was so much ridiculed during the late campaign—we must improve the water communication of the North-west; you can carry by water for one-fifth the cost by rail, and you may be able to carry at a profit if you can get water communication when it would not pay you to grow wheat to be shipped by rail. (Hear, hear.) This is the more important because new sources of supply are opening now in England, and it is likely that the price of breadstuffs will rather fall than rise. I look on the success of our enterprises in the settlement of the North-west as practically dependent on the improvement of the water ways. Of course, there must be railways at once to connect the sheets of water, and eventually a through line; but I am confident that a bushel of wheat will never go to England over an all-rail route from the Saskatchewan to the seaboard, because it would never pay to send it. We must take

it in the speediest and cheapest way to the head of Lake Superior, where our splendid St. Lawrence route commences; and we must use every effort to avert the threatened danger of a diversion to the States of the trade relations of that country. Let me turn to another question which has been adverted to on several occasions, as one looming in the not very distant future. I refer to the relations of Canada to the Empire. Upon this topic I took, three or four years ago, an opportunity of speaking, and ventured to suggest that an effort should be made to reorganize the Empire upon a Federal basis. I repeat what I then said, that the time may be at hand when the people of Canada shall be called upon to discuss the question. Matters cannot drift much longer as they have drifted hitherto. The Treaty of Washington produced a very profound impression throughout this country. It produced a feeling that at no distant period the people of Canada would desire that they should have some greater share of control than they now have in the management of foreign affairs; that our Government should not present the anomaly which it now presents—a Government the freest, perhaps the most democratic in the world with reference to local and domestic matters, in which you rule yourselves as fully as any people in the world, while in your foreign affairs, your relations with other countries, whether peaceful or warlike, commercial or financial, or otherwise, you may have no more voice than the people of Japan. This, however, is a state of things of which you have no right to complain, because so long as you do not choose to undertake the responsibilities and burdens which attach to some share of control in these affairs, you cannot fully claim the rights and privileges of free-born Britons in such matters. But how long is this talk in the newspapers and elsewhere, this talk which I find in very high places, of the desirability, aye, of the necessity of fostering a national spirit among the people of Canada, to be mere talk? It is impossible to foster a national spirit unless you have national interests to attend to, or among people who do not choose to undertake the responsibilities and to devote themselves to the duties to which national attributes belong. We have been invited by Mr. Gladstone and other English statesmen—notably by Mr. Gladstone, in the House of Commons, very shortly before his Government fell, to come forward. Mr. Gladstone, speaking as Prime Minister of England, expressed the hope he cherished, that the Colonies would some day come forward and express their readiness and desire to accept their full share in the privileges and responsibilities of Britons. It is for us to determine—not now, not this year, not perhaps during this Parliamentary term, but yet, at no distant day—what our line shall be. For my part I believe that while it was not unnatural, not un-

reasonable, pending that process of development which has been going on in our new and sparsely settled country, that we should have been quite willing—we so few in numbers, so busied in our local concerns, so engaged in subduing the earth and settling up the country—to leave the cares and privileges to which I have referred in the hands of the parent State; the time will come when that national spirit which has been spoken of will be truly felt among us, when we shall realize that we are four millions of Britons who are not free, when we shall be ready to take up that freedom, and to ask what the late Prime Minister of England assured us we should not be denied—our share of national rights. Tomorrow, by the policy of England, in which you have no voice or control, this country might be plunged into the horrors of a war. It is but the other day, that without your knowledge or consent, the navigation of the St. Lawrence was ceded forever to the United States. That is a state of things of which you may have no right to complain, as long as you can choose to say: "We prefer to avoid the cares, the expenses and charges, and we are unequal in point of ability to discharge the duties which appertain to us as free-born Britons;" but while you say this, you may not yet assume the lofty air, or speak in the high pitched tones, which belong to a people wholly free. (The future of Canada, I believe, depends very largely upon the cultivation of a national spirit. We are engaged in a very difficult task—the task of welding together seven Provinces which have been accustomed to regard themselves as isolated from each other, which are full of petty jealousies, their Provincial questions, their local interests. How are we to accomplish our work? How are we to effect a real union between these Provinces? Can we do it by giving a sop now to one, now to another, after the manner of the late Government? By giving British Columbia the extravagant terms which have been referred to; by giving New Brunswick \$150,000 a year for an export duty which cannot be made out as worth more than \$65,000 a year? Do you hope to create or to preserve harmony and good feeling upon such a false and sordid and mercenary basis as that? Not so! That day I hope is done for ever, and we must find some other and truer ground for Union than that by which the late Government sought to buy love and purchase peace. We must find some common ground on which to unite, some common aspiration to be shared, and I think it can be found alone in the cultivation of that national spirit to which I have referred. (Cheers.) I observe that those who say a word on this subject are generally struck at by the cry that they are practically advocating annexation. I believe that the feeling in the neighbouring Republic has materially changed on this subject, and that the notions which were widely spread there some years ago, and the desire to possess,

as one Republic, under one Government, the whole of this continent, from north to south, have died away. A better and a wiser spirit, I believe, now prevails—largely due, perhaps, to the struggles which are unhappily occurring in that country. The attempt to reorganize the South has been going on for some years, and owing, I think, to a very great error in judgment as to the way in which it should be effected, it has been largely a failure. There is great difficulty, and there are frequent disorders in the South. Then there are the conflicts of interest between the Eastern and Western States, very great conflicts and heartburnings. Then there are the alarming difficulties and complications arising from the inordinate political power which has been grasped by great corporations. And I think that the best and wisest minds in the United States have settled down to the conviction that the management of the United States with its present territory is just as difficult a task as their best men can accomplish, and that it would not be wise to add to their existing complications and difficulties by any such unwieldy accession or unmanageable increase as this great domain, the larger half of the whole continent, would be. I think that among those circles in the United States which are to be looked to as influencing the future, there is a great modification of view on this point, and there would be, even were we disposed, as I hope we shall never be disposed, to offer to join them, a great reluctance to take us. But I believe we have a future of our own here. My opinion coincides with those to which I have been referring in the United States. I believe that that country is even larger than it ought to be in order to be well governed, and that an extension of its territory would be very unfortunate in the interests of civilization. "Cribbed, cabined, and confined" as we ourselves are to the South by the unfortunate acts of English diplomatists in the past, giving up to the United States territory which, if we had it to-day, would make our future absolutely assured, but still retaining as we do the great North-west, I believe we can show that there is room and verge enough in North America for the maintenance of two distinct governments, and that there is nothing to be said in favour, but on the contrary everything to be said against, the notion of annexation. These are the material reasons, independent altogether of the very strong and justly adverse feeling arising from our affection for and our association with England, and the well settled conviction which, I believe, exists among the people of this country that a Constitutional Monarchy is preferable to a Republican Government. The Monarchical Government of England is a truer application of real Republican principles than that of the United States, and I have no hesitation in saying that the Government of Canada is far in advance, in the application of

real Republican principles, of the Government of either England or the United States. (Cheers.) But, with the very great advantages which we enjoy over that portion of our fellow-subjects living in England, by reason of our having come into a new country, having settled it for ourselves, and adapted our institutions to modern notions, by reason of our not being cumbered by the constitution of a legislative chamber on the hereditary principle, by reason of our not being cumbered with an aristocracy, or with the unfortunate principle of primogeniture and the aggregation of the land in very few hands, by reason of our not being cumbered with the difficulties which must always exist where a community is composed of classes differing from one another in worldly circumstances so widely as the classes in England differ, where you can go into one street of the City of London and find the extreme of wealth, and a mile or two away the very extreme of poverty; living, as we do, in a country where these difficulties do not exist, where we early freed ourselves from the incubus of a State Church, where we early provided for the educational needs of our people, under these happy circumstances, with these great privileges, there are corresponding responsibilities. Much remains to be done even here before we can say that the ideal of true popular Government has been reached; and some mistakes have been made, in my poor judgment, in the course already taken. I do not believe it is consistent with the true notion of popular Government that we should have a Senate selected by the Administration of the day, and holding their seats for life. (Cheers.) I am not of those who would be disposed to abolish the Senate at this time. The Senate was supposed by those who framed the Constitution of the United States—to which we are bound to look as the framers of our Constitution looked—to be the representative of the various States as States, in which, being as States equal and co-ordinate sovereignties, they had, however unequal in their population and wealth, equal representation. That was the notion upon which, in the framing of that Constitution and in the framing of ours, a Senate was introduced. I am not prepared at this time to take the step of dispensing with the Senate. I desire to see a Senate selected upon truly popular principles, and in a way consistent with popular government, and I am inclined to believe that a Senate so selected would be a useful and influential body, and might perhaps accomplish an important object by removing from the House of Commons the notion that the delegation in that body from each Province is to act as an isolated band in defence of Provincial rights and in assertion of Provincial interests. Is it consistent with the notion that the Senators should represent the several Provinces that they should be selected by one Government? We know that under our

form of Government the Governor-General has no controlling voice in the selection of these gentlemen, that the Cabinet recommend A or B to him and he appoints him, or, if he does not, his Ministers go out of office. The practical result is that the Ministry of the day name the Senators. They name them for life. They may possibly be very good and efficient men when they are placed in the Senate. But even so they may become, as, I suppose, most of us will become some day, utterly effete, utterly incapable of discharging the duty for which they were selected, but so long as they can drag their weary limbs to Parliament once every second session, so long as they can be supported there, as I have seen them supported to the halls of Parliament to save their position, and sit for an hour or so as to register their names, they hold their seats as Senators, and are supposed to represent the special interests of the Province for which they were selected. That is one evil, supposing the selections to have been such as ought to have been made in the first instance, but we all know they have not been such as a rule. If the members of the Senate are to be the guardians of the interests of the Provinces, it is the provincial mind which should be referred to as to their appointment, and my own opinion is that the Senate, besides being very largely reduced in number, should be composed of men selected either immediately or mediately by the Provinces from which they come. I believe in the mediate mode of selection; I think that the selection by the Legislature of the Province and the appointment for moderate terms, not going out all together, but at different periods, would be a system under which that body would obtain an importance and a value hardly dreamed of under the present system. You want that body not to change as rapidly as the popular body, not to be composed exactly of the same class of men, but to change from time to time. You do not want a set of old gentlemen there with notions of the time when they were appointed perhaps, but which have not advanced with the age, to be dreaming in the Senate, blocking improvements in legislation as far as they dare, and only conceding them under an extreme pressure of public opinion. (Hear, hear.) You want a body to which it would be an honour to send any of the principal men of a Province, and which would have an importance which the United States Senate once had, and, though the lustre has perhaps diminished, still to some extent retains. (Cheers.) I think also that something may still be done towards securing freedom and purity of election. I am amongst those members of the Liberal party who are prepared to express their very great regret at the disclosures which have recently taken place in the Election Courts. From the earliest moment of my entrance into public life, I have taken a very earnest part in the effort to bring about freedom

and purity of election. In these struggles I did not say that my friends of the Liberal party had never resorted to improper means of securing their elections—I said you must not expect a different result when you enacted sham laws, professing to prohibit bribery and corruption, while you refused to provide proper means of enforcing those laws. I said that as long as it was seen that there were no means of carrying out these laws, the situation was worse than if there was no law, and both parties would go on disregarding the law, until it ended in the retirement of honest men as candidates for public life, and in the retirement from any participation in politics of those citizens whose notions of propriety, morality, and respect for the laws prohibited them from using such unlawful means. We were resisted both in the Local and Federal Legislatures as long as resistance was feasible, but fortunately for the Province, we were able to obtain a stringent law in Ontario before the elections of 1871, and the result was that these elections were infinitely purer than before. Though some of the elections were voided by illegal practices, the sums spent were not large, the corruption was by no means widespread, and the election may be said to have been comparatively fair. We were unable to get the law in the Dominion for the elections of 1872. The country in that contest was flooded with money, and I suppose it was the most corrupt election which ever took place in Canada. But public opinion was so strong on the subject that the Government which had refused to pass the law brought it in during the next session, and that law was in force when the elections of 1874 took place. I rejoice that it was so, and I repeat what I have said before, that I would not, as a member of the Government, have taken the responsibility of concurring in the dissolution of 1874, if that law had not been on the Statute Book. The result of the elections, as you are aware, was a very extraordinary victory of the Liberal party. A number of petitions have been presented, some on each side, and it has been found that no single election which was brought before the judges was conducted properly according to the law. Although no candidate has been found guilty of any impropriety, it has been found that many men belonging to the Liberal party, and prominent in the electoral districts, so far forgot what was due to their country and to their party as to be engaged in the disposition of funds in an illegal manner. My own opinion—founded upon my knowledge of what took place in some cases, upon what has come out before the judges, and upon the fact that, though it was competent to each of the petitioners to ask not only that the seat should be voided but that the other candidate should be seated if his hands were clean, none of them have dared to do so—is that there was an equivalent or a larger amount of illegal expenditure on the other side.

I have no doubt that if these gentlemen who are prosecuting those petitions with such energy—and I rejoice to see that energy displayed—had dared to say not merely—"You have been guilty of corruption," but "our candidate has not, and he can, therefore, take, and asks the seat," they conceded that the verdict of the people on the new elections, will be as a rule, in favour of the unseated member; and these people, understanding that perfectly well, would be very glad to have their candidate seated by the decision of the judges rather than undergo a new election to receive another adverse verdict. I do not believe the result of the elections has been materially affected by the expenditure, but there is no doubt of the gross impropriety of the acts disclosed; and the only excuse for it that I can see is that these gentlemen could not have fully realized that we had got the boon we had been struggling for, but thought the old corrupt course would be followed by the other side, and that whosoever won by any means, would keep the seat. In that case the results of these trials will have disabused the people of this country of any such idea. They will have found that we of the Liberal party who represented you in Parliament were not so recreant to our trust as to make an appeal to the country without a law which would be effective, and that we have got a law which will enable the people to conduct elections purely and to punish those who are guilty of corruption. I have a good hope that what has taken place will produce a beneficial effect on the men of both parties in the elections for the Local Legislature and that we may then see an election even purer than that of 1874. I need not, I suppose, repeat to the people of this riding the exhortation which I have addressed to other ridings—the exhortation addressed to the country generally by the Government through the address of Mr. Mackenzie before the late general election. I would point out to you that even a good law by which effective machinery is provided is almost useless unless the popular sense and feeling be committed to the support of it, and that the main force and efficiency of any such law is dependent upon the mind, the will, and the determination of the people to sustain the law and frown down those who transgress it. I hope the Liberal party of this Province will take that course. I believe they will. I have a firm confidence that now, both sides having learned that there is a means by which corruption can be discovered, and that the discovery of that corruption, practised by those who have acted with the concurrence of the candidate, will destroy the illusory victory which has been gained, the axe has been laid at the root of the tree, and we shall have fair elections for the time to come. There is another improvement on the Statute Book of which we have not received the advantage yet. I mean the ballot. But I think that still further improvements might

be achieved. I think every one will agree with me that one of the great difficulties in securing freedom of election in the past has been the reluctance of voters to go to the polls, the difficulty that was made about it, the compliment it was supposed to involve, and the attempt—too successful in many cases—to extort money as team-hire for going, when the voter ought to have been proud and happy to drive or walk, and if he had a team, while his neighbour had none, to take his neighbour as well, so as to strike his blow for the good cause. (Cheers.) I believe it is under the guise of hiring teams that bribery has to the greatest extent permeated the body of the electors. I believe that another system of bribery which has gained ground of late years is that of paying voters to abstain from voting. That is the system which is most likely to be resorted to under the ballot, for this reason; if you buy a man to stay at home, you can always tell whether he has kept his bargain or not; but if you buy him to vote for you, you cannot tell whether he has, because he may have voted against you. I am strongly impressed with the idea that some provision whereby voters should no longer imagine that they were to be invited, allured, complimented, attracted to the poll, their teams paid for, themselves solicited to go, would be a proper provision. Who are we who vote? Is it a right only that we exercise or a trust? We are but a very small proportion, perhaps not more than an eighth of the population, male and female, men, women and children. Is it in our own interests or for our own rights only that we vote? Are our own fates alone affected by our votes? Not so. The whole population of the country, our wives, our sisters, and our children, those male adults who have no votes, all these are affected by it. Therefore it is a trust, a sacred trust, which the voter holds in the exercise of franchise. True, it is a right, because the voter, in common with the rest of the community, is affected by the laws which are passed; but he is bound to vote in the interests of the whole community; and therefore I do not see why the Legislature should not point out to him that it is his duty, if he chooses to allow himself to remain on the register, to exercise the trust which he has undertaken. I would not go against any man's conscience. There may be some men, even in this country, of a peculiar persuasion, who hold it wrong to vote, but a provision permitting any man, upon his own application to the County Judge on the revision of the rolls, to be disfranchised, would get rid of any difficulties on the score of conscience. But if a man chooses that his name shall be retained on the list amongst the electoral body—which is itself a representative body, for those tens of thousands represent the hundreds of thousands for whom they vote and in effect legislate—then let him be told that it is his duty to exercise the franchise. I would not force him to vote for a

particular person. He may say: "I do not like either of the men." A man may be so crotchety and difficult to please that he cannot make a choice between the candidates. We cannot help that; our ballot is secret; but let the voter, at all events, go to the booth and deposit his ballot. Whether it be a spoilt ballot or a blank ballot we shall not know, but I think it is likely that every man who goes to the booth will deposit an effective ballot. I think those who remain on the roll should be compelled by law to deposit their ballots, and that a law establishing some penalty for the breach of this provision, unless they excuse themselves by proof of illness or absence from the constituency, would be a good law, and as far as this branch of the subject is concerned, would tend largely to increase the virtue of our present electoral system. Besides a moderate penalty to be sued for, I would be disposed to add a provision that the man who had failed to vote at an election, whether general or special, and who within 30 days did not file a solemn declaration excusing himself upon one ground or the other, should not be entered upon the roll of voters again at any period until after the next general election, so that he should not be counted amongst the trustees of the popular right, for a certain period at any rate. (Cheers.) You know how difficult it is to get men to vote at a special election. Men are busy in their fields or about their affairs, and they forget, I am sorry to say, how very few hours in the year they, as self-governors, devote to the discharge, of that highest and noblest privilege—the privilege of self-government. Let them understand, if at an election they prefer their business, their pleasure, or their occupations to the exercise of the franchise, that until after the next general election at any rate, they who have been proved to be unfaithful guardians, and have shown their little regard for the rights and privileges they hold, shall have no further concern or part in these matters, and shall leave to the faithful trustees the control which is theirs by right. (Hear, hear.) It may be said: "You are proposing a law which will bring forward a number of persons who do not care about politics, and whom it is better not to have at the polls," but it is my object to prevent their being brought forward by improper means. A great many of them are brought forward now. The corrupt man says: "I cannot go, I cannot afford the time." He does it to get a few dollars. The indifferent men—and there are many of them of a highly respectable class—should be made to see that is part of their duty to vote. Once they understand that it is their duty to take part in elections, I believe they are moral enough and conscientious enough to take that part, and I believe it will be taken generally for the good of the country. I am sure you will agree with me that a proposal which is calculated to poll out the popular vote to the utmost extent is a

proposal in the interest of real popular Government. There is much more likely to be a true expression of the people's feelings in that than in any other way. I do not intend to detain you with any remarks upon the general abstract question of the franchise. My own opinions on that subject I may perhaps give some other day. I may say that however little the present character of our franchise answers the theoretical views and principles of some, there is no doubt that as a practical measure, in its actual working, it does give the vote to such a large proportion of the people of this Province, that the popular vote fully polled and rightly counted would be a fairly accurate exposition of the popular opinion; but I believe that even without attempting radical changes, without attempting to lay down a principle for the franchise more satisfactory than that which now prevails, there may be some practical reforms in the present system. I shall limit myself to two. You are aware that the general franchise is based upon the ownership or tenancy or occupation of real property of certain values. Now, it is deeply to be regretted, on many grounds, that the rural communities of this Province do not determine, once for all, to do away with the false and injurious system of under-assessing property which prevails amongst them. (Cheers.) I have said in the Legislature, and I repeat here, that it is a disgrace to the people of Ontario that we should find the vast mass of our property deliberately under-assessed forty, perhaps fifty, per cent., by officers sworn to assess it up to its full value—(Hear, hear)—and this with the concurrence of those whom you place in power. It is done, in fact, because your councillors sanction it, and sometimes even so instruct the assessors. It is generally a miserable short-sighted attempt to procure a favourable equalization of the county rate. A township thinks if its property is under-assessed no other township will get an advantage over it, and so you have a system which is dishonest, which is a fraud on the face of it, and which, apart from its moral degradation, is injurious to the interests of the Province, because it keeps back from the knowledge of the people of England and of the world what our property is really worth. You tell them it is worth so many millions when the value might be truly doubled. It is injurious because such a system, artificial as it is, renders much more difficult a fair and equitable adjustment. In my city we are taxed very heavily, and we have found that the true course is to assess the property up to its full value, as that is the way in which every man is most likely to pay his fair share. But when you establish a fictitious basis, there are immense facilities for fraud and enormous difficulties in the way of a fair adjustment. More, it gives opportunities to partizan assessors which they could not have under a proper system, because if you bring down the assessment 50 per cent. you may bring it down to

the margin of the qualification, while if you have a fair valuation there would not be a man who would not be entitled to vote on any cottage or plot of land on which he lives. But when you under-assess you give the opportunity for fraud. I have seen a column of lots assessed at \$190 and another column assessed at \$210. What did that mean? Why, we all know that it meant simply that the \$190 men were all of one stripe of politics, and the \$210 men of the other stripe. (Cheers and laughter.) The thing would have been quite out of the question if you had determined to make your assessors assess justly and rightly. There is no use in passing laws if the people will not support them. You have the law, but so long as you instruct or wink at your assessor in doing this, or do not dismiss him for doing it, so long the law will be violated. (Hear, hear.) I mentioned in the Legislative Assembly my feeling of humiliation at this state of things, my hope that it would be amended, and my view that if so there would be no ground on that score for a change in the franchise. But in the class of householders it might be well to get rid at once of all that difficulty by prescribing that the simple occupation as a householder should give the vote. This is, in fact, a very old franchise in England, and can do no harm but would do some good here. Then there is another thing. There is a custom in this country, which cannot, I think, be too highly commended—there is a custom among those farmers who have raised a family of retaining one or two of their sons on the farm. They live there with the expectation that when the inevitable day arrives the faithful son, who has done his duty by his parent, has soothed his declining years, has worked for him, as he was worked for in the days when he was a child and helpless and his father was strong, will inherit the farm. That is a state of things which is highly desirable and should be perpetuated. That degree of mutual confidence, that pleasant continuance of the family life after the son has attained to manhood, is a matter of great importance to the moral standing and virtue of the people at large. It is my opinion that such adult sons would make as good a class of voters as you can find in the country. (Hear, hear.) I believe some of them leave the farms and discontinue that state of things because they desire to wear that badge of manhood, the franchise. I do not see why they should not wear that badge. I do not see why they should be penalized—educated as they are under our school system, and showing themselves to be alive to one of the highest duties of citizenship—by being excluded from the privilege. It would, I think, be well, when dealing with a system of representation which is not theoretically correct, a system which you cannot logically defend, but which you say works practically, to extend the franchise and give the right to vote to every adult son who

is living on the farm of his father. (Cheers.) You know that such votes have been obtained in the past by a process which I regret. By an evasion of the law, fathers have placed their sons on the roll, and they have obtained votes by a side wind. That is unfortunate, because it is against the law, and because such vote is not held freely, but to a great extent at the pleasure of the father. I do not care that a man should have the right to vote if I or some one else may tell him how he must vote. Give these men the right, and their votes will, especially under the ballot, be as free and as useful to the community as any others in the country. Before passing from this subject I desire to speak of one of the truest tests of the right to the franchise—I mean the educational test. There is no doubt that our future will be largely affected by the course we take with regard to the extension of education throughout the land. I agree with many of the remarks of Mr. Mowat on that subject. I commend heartily the public spirit which has led the people of this country to expend such large sums on education; but my information leads me to believe that the people have not done all that they ought to have done. It is not only expenditure which is needed, but it is equally important to take care that when you have the schools you send your children to them for a proper portion of the year. Then you cannot get good work without reasonable pay. You have improved considerably the rate of pay of your teachers in the last few years. Three or four years ago, after investigating that subject, I spoke to my own constituents upon it, and I say now again, that if you want to make all this expenditure effectual, it is a prime duty to consider how much is required in order to obtain a good teacher and to pay that sum whatever it may be. Without that the whole system is ineffective. The teacher is the key. To what purpose do you build brick school-houses, elect trustees, and send your children to school, unless you have an efficient teacher to instruct them? And you cannot get good teachers at the present rate of pay, increased though it is. Another point is this. In old and well settled countries where the farms are cleared and the men have become wealthy, where there is no reason, no necessity, for the children being kept at home, how is it that the average period of attendance is so short? In some parts the shortness of the average attendance is positively alarming. I exhort my fellow-countrymen to see to these things. You have established free schools, and you have resolved to tax every one to maintain them. We are all interested then in this matter, and it is to the general and wide diffusion of instruction and education that we must largely look for the great future that we expect. But, sir, with such a hope for the future before us, I believe we might effect immense improvements upon the present system of popular representation. For my

own part I have been for some time dissatisfied with our present mode of popular representation, as furnishing no fair indication of the opinions of the country. I do not think a system under which a majority in one constituency elects a member, the minority being hopeless, helpless, without any representation of its own at all, is a good system. I have been collecting some statistics on this subject, and it is extraordinary to what extent the popular voice, as shown in the popular vote, differs from the expression of that voice in the Legislature. In the State of Maryland you can find an election lately in which parties were so divided that two-thirds of the people polled on the one side, and one-third on the other. The result of the election was that the Republicans, who polled two-thirds, elected every member, and the Democrats, who polled one-third, did not elect a single man. That was not a fair or reasonable result. In the State of Maine something of the same kind happened. The Democrats had polled one-third of the votes, but only elected 43 out of 247 members. Coming nearer home, for perhaps our Tory friends will object to my taking illustrations from across the line, in Nova Scotia, in the year 1867, there was a bitterly fought contest on the question of Union or anti-Union. The result was that only Mr. Tupper was returned from the whole Province, and that by a very narrow majority, as a representative of the Union sentiment. I have analysed the statistics of that election, and I find that the real strength exhibited at the polls would have given, as nearly as I can estimate, seven to the Union side instead of one, and only twelve to the anti-Unionists instead of 18. Take Nova Scotia again in 1874. The returns gave 19 to the Government, one Independent and one Opposition—Mr. Tupper again. I will give him the Independent man into the bargain, because I think he belongs to that quarter. (Laughter.) The popular vote on that occasion would, as nearly as I can judge, have given 8 out of the 21 to that side instead of 2, and but 13 to the Government instead of 19. Our principle of Government is that the majority must decide. Upon what is it founded? Well, you cannot give a reason except this, that it is necessary. It is the only way in which Government can be carried on at all. But if the minority must, on this ground of necessity, bow to the voice of the majority, the majority is all the more bound to see that the minority has its fair share of representation, its fair weight in the councils of the country. The majority must recollect that it may become the minority one day, and that then it would like to have its fair share in those councils, and such disparities as these are not likely to induce a feeling of cheerful submission on the part of the minority. In Ontario, in the election of 1867—I cannot, of course, be precisely accurate in these matters, because there were some acclamation returns,

and there are other difficulties in making an exact calculation but there were 82 members to be returned. The whole popular vote would have resulted in a slight majority for the Liberal party over the Government, but discarding fractions, the result would give 41 members to each. The Government, however, carried 49 seats to 33, and so the Liberal party did not obtain its fair share in the Government of the country. A turn of 408 votes would have taken seventeen seats from the Government and given them to the Liberal party. We say we have representation by population, but we have not representation by population unless the population has a representation in the Legislature equivalent to its strength at the polls. In the late election of 1874 the popular voice, although very strongly in favour of the Government, was by no means so decided as the returns showed. And besides this 178 votes turned the other way would have changed eight seats, making a difference of sixteen on a division. Little more than double that number would have changed sixteen seats, or thirty-two on a division, and this in a Province where over 200,000 votes would, if all the elections were contested, have been polled. My own opinion is that it is not houses, and stocks, and farms that are represented, but human beings, with immortal souls—these are the true subjects of representation, the sharers in, the owners of political power, and I think a scheme ought to be devised, as a scheme has been devised, to give them a fairer representation. In England, in constituencies which return three or four members, a cumbrous mode has been adopted called the "restrictive vote," which I do not recommend, by which each man votes for one less than the whole number to be elected. That gives some representation to each side. In the School Board elections, which have caused the greatest possible interest and excitement, and have resulted in London in the return of an Educational Parliament which may vie with the Parliament of the Empire in ability in proportion to its numbers, the cumulative system has been with great advantage adopted. By this the voter, having as many votes as there are members, may give the whole of his votes to one candidate or divide them as he pleases. That system has been also adopted with the most beneficial results in the State of Illinois, where the returns under the amended constitution of 1870 have been within one of the actual popular voice. I say the system of representation under which we now live is inadequate to the purposes of the age. The complicated interests of society, the various views entertained by various sections of people, the enormous divergencies and the minor shades of divergency which exist, the fact that you cannot accurately or reasonably approximate the real strength of popular opinion as evinced at the polls by the return of members to Parliament—these considerations are sufficient to condemn

the existing system and send us on search for a better. That better can, I believe, be found, and if it be reserved for this Province or this Dominion to set the example of finding it, a great benefit will have been conferred by us on the cause of freedom throughout the world. I believe Mr. Hare's system or some modification of it—a system by which each voter may vote for any one he pleases, and give his vote should it not be required for his first choice, to second, third, or fourth candidates, in the order of his preference—would result in the return by unanimous constituencies of men having the confidence of those constituencies, and of just so many men on each side as the strength of that side at the polls would justify. What is my position to-day? I have a very large constituency. I represent a constituency in which many more votes were polled against me than sufficed to return Mr. Dymond. Within nine of 2,000 votes were polled against me. Can I say I represent those people? I do not. I do not represent their views. They thought I was wrong, they wished to defeat me, they wished to condone the Pacific Scandal and to support the late Government. I am bound to consider their individual wants, but I cannot say I represent their views. How are they represented? Some will say that people a long way off elected, say, Mr. Cameron, of Cardwell, or Mr. Farrow, of North Huron, represent them. That is a very peculiar mode of representation, by which the unrepresented minorities of adverse views in different constituencies are in effect told that they are to be content because there are others in like evil plight. Look at home. Turn to this Metropolitan district. Take, if you please, the old County of York, including Toronto, Ontario and Peel. You have there nine districts, and you have nine members all on one side, and not a single one on the other. The return at the polls gave five to four. The popular vote gave you five and your adversaries four, and upon a proper system of representation that would have been the proportion of the members. We shall have to settle before long the question of the Parliamentary system of the future. As the late Prince Consort said some years ago, Parliamentary systems are on their trial. When we provide a plan by which every man shall be represented, by which each side of opinion shall be represented in proportion to its strength, we shall have avoided the difficulties which result from the artificial divisions which we make, and which render the expression of opinion by the returns so essentially different from that shown at the polls. There is not time now to give you even a fair summary of the reasons for this reform. I must bring my speech to a close. I know, Sir, that I have made a rather disturbing speech, but I am not afraid of that. As far as I can judge, not much good can be done without disturbing something or somebody, and if that is the only

objection to be made to the sentiments I have uttered, I am quite ready to meet it. I may be said also to have made an imprudent speech—at least it might be said if I were one of those who aspire to lead their fellow countrymen as Ministers. It is the function of Ministers—we know it, and I do not quarrel with it—to say nothing that can be caught hold of—(Laughter)—nothing in advance of the popular opinion of the day, to watch the current of that opinion, and when it has gathered strength, to crystallize it into Acts of Parliament. That is the function of a Liberal Minister. The function of a Tory Minister is to wait till he is absolutely forced to swallow his own opinions. (Laughter.) My hon. friend, Mr. Mowat, will, I doubt not, by your suffrages, enjoy a long time in which to perform his high duty, but it may be permitted to one who prefers to be a private in the advanced guard of the army of freedom, to a commanding place in the main body—(Loud cheers)—to run the risk of promulgating what may be called a political heresy to-day, but may perhaps become a political creed to-morrow. (Cheers.) I am sure that whatever may be your disposition as to the opinions I have advanced, and however disinclined you may be to accept my proposals, you will receive them with toleration and liberality. I believe that feeling which is strongly existent in the ranks of our opponents, of intolerance of any difference of opinion, that determination without argument to write and speak down the man who advances anything new as revolutionary and unsafe, is not shared by the Liberal party. I believe you realize the value in the interests of true liberty of a free utterance before his fellow countrymen, of the distinctive opinions held by a public man. (Cheers.) I am quite sure you sympathize with the eulogy which the poet-laureate of England conferred upon the old land, and you desire that his words of praise should be properly applicable to the new, when in immortal verse he sung:—

You ask me, why, tho' ill at ease,
 Within this region I subsist,
 Whose spirits falter in the mist,
 And languish for the purple seas?

It is the land that freemen till,
 That sober-suited Freedom chose,
 The land, where girt with friends or foes,
 A man may speak the thing he will;

A land of settled government,
 A land of just and old renown,

Where Freedom broadens slowly down
From precedent to precedent:

Where faction seldom gathers head,
But by degrees to fulness wrought,
The strength of some diffusive thought
Hath time and space to work and spread.

Should banded unions persecute
Opinion, and induce a time
When single thought is civil crime,
And individual freedom mute;

Tho' Power should make from land to land
The name of Britain trebly great—
Tho' every channel of the State
Should almost choke with golden sand—

Yet waft me from the harbour-mouth,
Wild wind! I seek a warmer sky,
And I will see before I die,
The palms and temples of the South.

REVIEWS OF BOOKS

The United States and Canada: A Political Study. By GEORGE M. WRONG. New York and Cincinnati: The Abingdon Press. [1921.] Pp. 191.

IN this series of six lectures delivered by Professor Wrong at the Wesleyan University under the George Slocum Bennett foundation, the author has examined the conditions under which has arisen the dominance of the English-speaking peoples in America; he has placed in contrast the divergences and noted the similarities of their institutions; and, last but not least, he has clearly outlined Canada's status in the British Commonwealth of Nations. It is beyond question that in this respect Professor Wrong has rendered an international service. We are not surprised to find in Continental Europe little comprehension of the relations which seem at once to unite and to separate the British communities throughout the world; but perhaps Canadians may be pardoned for a little surprise that those relations are so imperfectly realized by their neighbours. It is barely twenty-five years since a distinguished American statesman could hardly be induced to believe that Canada possessed and exercised the right of levying customs duties upon products of the United Kingdom imported into the Dominion. A quarter of a century previously Sir John Macdonald had encountered a similar lack of comprehension during the negotiation of the Treaty of Washington.

The author has given in broad but clear outline the distinguishing features of each form of government. He recognizes that while the British North America Act avows the purpose of establishing a constitution for Canada similar in principle to that of the United Kingdom, yet many leading features of our system were drawn from the constitution of the United States. It is not necessary to concern oneself with Lord Haldane's niceties as to the character, federal or otherwise, of the Canadian constitution. In truth, it is federal in the ordinary acceptance of the term; and the principle of federalism was drawn wholly from the example of the United States.

Professor Wrong lays emphasis upon the consideration that the constitution of the United States was framed in idealism, while that of Canada has grown out of tradition. The framers of the American con-

stitution were necessarily influenced by the tendencies of political thought in the latter half of the eighteenth century. In Great Britain the same tendencies almost succeeded in eliminating from the British system a feature which strongly marks its divergence from that of the United States: namely, the presence of responsible ministers in parliament amenable to the will of the people's representatives. In one aspect it is curious, but in another perfectly natural and logical, that the United States, as Professor Wrong points out, have never established and apparently never desired that form of direct legislative control over the executive for which Canadians contended nearly one hundred years ago, even to the point of rebellion. The American theory of checks and balances requires an executive independence which the Canadian scheme of government could hardly afford.

Within the nations of the British Commonwealth the formal executive is not a party leader; he stands apart from all parties, and acts by the advice of his ministers under the conventions of the constitution as the will of the people directs. The real executive is to be found in his advisers. In the United States the President is at once the executive and the leader of the dominant political party. He fulfills the functions of both King and Prime Minister, and he exercises greater power than either. He attains the position through the severities of an election contest, in which neither party spares the other. When the battle is over, he stands before the whole country as the head of the nation, and is recognized as such by all parties.

Professor Wrong's lectures are well conceived and instructive. When a large and complex subject is treated in narrow compass one would naturally expect an occasional omission or expression that might give rise to misunderstanding. In discussing the omnipotence of parliament it might have been useful to explain that the legal power of the British parliament with respect to the Dominions is overridden and controlled by constitutional conventions. Perhaps, also, the author should have made it perfectly clear that in Canada, as in the United States, it is for the courts to determine whether any legislative body has overstepped the limits of its jurisdiction.

The author's words respecting the opportunities of democracy on this continent and with regard to the overwhelming responsibility which rests upon the British and American Commonwealths for the peace of the world are timely and impressive. His contribution to the political thought of both countries must be of service in each.

Our neighbours have given us a worthy example in establishing foundations such as that under which these lectures were delivered. One recalls the William Earl Dodge foundation at Yale, which has brought

forth excellent fruit, and doubtless there are others. It is to be hoped that the wealth of Canada will seek opportunity for usefulness in the establishment of such foundations in this country.

R. L. BORDEN

Mélanges Historiques; Études éparses et inédites. Par BENJAMIN SULTE.
Compilées, annotées, et publiées par GÉRARD MALCHELOSSE.
Volume 7. Montréal: G. Ducharme. 1921. Pp. 163.

M. MALCHELOSSE continues his task of bringing out in permanent form the fugitive papers into which Dr. Sulte has for many years been throwing the result of his researches. The value of this task can hardly be overestimated. In spite of some of the obvious defects of Dr. Sulte's work,—such as the lack of specific reference to authorities, and the almost journalistic disregard of literary form,—there is perhaps no other Canadian historian who has such an encyclopedic knowledge of the highways and byways of Canadian history, and there are few writers who approach the study of history in a more genuinely scientific spirit.

Of the papers in the present volume several appeared many years ago. "L'Episode de l'île de Sable"—an essay which settled the date (1598) on which La Roche disembarked his first colony on Sable Island—was published as long ago as 1892, when the question with which it deals was still open. A brief sketch entitled "La Famille et la Rivière Gati-neau" appeared first in 1879. Two papers on "The Jesuit Relations" date from 1898, when the Thwaites edition of the *Relations* was appearing. Others are of more recent composition. A delightful paper on the history of maple sugar ("Histoire du sucre d'érable") appeared first in 1911. An essay entitled "Le docteur Badelart et le mal de la Baie-Saint-Paul", which contains an account of a curious epidemic which affected the population of the St. Lawrence valley between 1774 and 1786, was published in 1916; another entitled "Duberger, By et le plan relief de Québec", which gives an account of the history of a model of the city of Quebec at the beginning of the nineteenth century, now in the Public Archives of Canada at Ottawa, was written in 1917; and a valuable paper on "Pierre Ducalvet", which places Haldimand in a new light before French-Canadian readers, was written as recently as 1920.

Two papers, indeed, contained in the present volume, have never hitherto seen the light. One of these is an account of the so-called Kensington rune-stone ("Au Mississippi en 1362"), which is mainly remarkable because it appears therein that Dr. Sulte is now convinced of the authenticity of the rune-stone, and believes that the Norsemen actually penetrated to the headwaters of the Mississippi by way of Hudson Bay in the middle of the fourteenth century. The other hitherto

unpublished paper is a Canadian martyrology from 1640 to 1665, which must have cost the author a vast amount of research.

Almost without exception, it is a matter of congratulation that these contributions to Canadian history have been rescued from the oblivion to which the ephemeral form in which most of them first appeared threatened to consign them.

W. S. WALLACE

The Illinois Country, 1673-1818. By CLARENCE W. ALVORD. (*Centennial History of Illinois*, volume I.) Springfield: Illinois Centennial Commission. 1920. Pp. xx, 524.

SINCE the appearance of the American Nation series no more notable co-operative history has been undertaken in the United States than the *Centennial History of Illinois*. This history was designed to celebrate the first hundredth year of the state's existence. Its first volume, however, carries the narrative back one hundred and fifty years earlier, and describes the beginnings of things in the region that became Illinois. Professor Clarence W. Alvord, editor-in-chief for the series, reserved for himself this volume, for the writing of which he was so adequately prepared. Over a decade ago Professor Alvord startled those interested in the history of the Middle West by finding the Cahokia and Kaskaskia records stretching back to the time of French domination in the Mississippi Valley; his editing of these important records gave us the prefatory chapter on the "County of Illinois," which set that region in its international relations and showed its importance as a sphere of influence desired by France, England, and the United States. Somewhat later he edited for the Illinois Historical Collections the British series, largely made up of papers obtained from public and private collections in England, most of which had never before been known. As a result of this editorial work he published in 1917 his *Mississippi Valley in British Politics*, which was so novel in character and important in conclusions that it was awarded the Loubat prize for the best work in American history issued during five years.

The present volume on the Illinois Country from 1673 to 1818 brings fresh laurels to the author's fame. It is no mere local history; rather it is a pivotal history, showing that on the prairies of the Mississippi Valley were worked out decisions determining the fate of nations and the supremacy of free government. For the larger portion of the period with which the volume deals, relations were close between the inhabitants of Illinois and those of the St. Lawrence Valley. During the French régime Illinois was disputed territory between Canada and Louisiana. Governed after 1718 from New Orleans, its connections with Quebec were

nevertheless considerable. Under the British authority trade as well as government followed the route of the Great Lakes and the Ottawa River to Canadian centres. The story is thus of peculiar interest to Canadians. More than this, much of the volume is based upon hitherto unknown and inaccessible material, so that chapters six to eleven are practically new both in interpretation and in material.

There are few Western historians to-day who can better digest a large amount of "raw" historical material and place the conclusions in permanent and artistic form than Professor Alvord. There are few who have a larger grasp of the essentials of history and the underlying currents that determine its course. The story crosses easily from Paris to Kaskaskia, from Montreal and Quebec to the western trading posts, without loss of continuity. It is the author's ability to see events in their larger relations that gives this his most recent volume its chief value for both Illinoisians and lovers of good history elsewhere. Withal the proportions of the book are well arranged. After about fifty pages given to topography and the aborigines, about half of the remaining space is allotted to the French régime from 1673 to 1763; the remainder is appropriately divided between the rule of the British and the American domination. One of the most remarkable and illuminating chapters is that on "The City States," showing how the Canadian-French habitants when thrown on their own resources were capable of maintaining local government and of securing peace and order. Canadians will also find much to interest them concerning the "grand period" of their history, the age of discovery, the sway of Frontenac, the fur trade and the missions; while the chapter on "The Great Decision" sums up the elements of the conflict that threw French America into the hands of the founders of the British Empire.

With the production of this centennial history of Illinois there dawns, it is to be hoped, a new era for state histories. Each state and local unit has an especial viewpoint from which its story may be oriented, some contribution of unique value to the history of the entire country or period. If the noteworthy example of Illinois is followed, the mosaic of universal history may be made up of separate stones polished by the skill of such scholars as Professor Alvord and his associates.

LOUISE PHELPS KELLOGG

William Shirley, Governor of Massachusetts, 1741-1756: A History.
Volume I. By GEORGE ARTHUR WOOD. (Studies in History, Economics, and Public Law, edited by the Faculty of Political Science of Columbia University: no. 209). New York: Longmans, Green & Co. 1920. Pp. 433. (\$4.50.)

WILLIAM SHIRLEY is a prominent figure in all the histories of the American colonies in the eighteenth century, and of the struggle for Canada. In 1912 two volumes of his official correspondence were published, edited by Mr. C. H. Lincoln; any gaps in one's knowledge are now filled by Professor Wood's biography. Professor Wood's book is planned on a large scale. The present bulky volume takes Shirley's career only to 1749, and is to be followed by another, dealing with "Mr. Shirley in his setting as commissary at Paris for the settlement of the Nova Scotia boundary, as governor and general in the early phases of the decisive struggle for Canada, and as governor of the Bahamas" (p. 413). Whether one who is after all only a secondary figure deserves so full-length a portrait is doubtful. The present volume has the merits and defects of the enlarged Ph.D. thesis. It is conscientious and impartial; it shows careful research in published and unpublished sources; and it scrambles along in that heavy conglomerate style with which the younger American historians have made us so terribly familiar. This is the more unfortunate, as every now and again a shrewd colloquialism shows that, if Mr. Wood can only get away from his documents, he has a sense of humour and an insight into character.

Shirley is interesting both in himself and in his environment. For Canadian readers the most interesting part of the book is the account of his successful attack upon Louisbourg in 1745, due to his unwearied efforts in coördinating a vacillating home government and half-a-dozen suspicious and impecunious provincial legislatures; and his unsuccessful attempt to follow up the capture by an attack upon Canada. No new light is thrown upon the siege of Louisbourg, but Shirley's attempt to follow it up has not been so fully dealt with elsewhere. Shirley had a plan, to be carried out, like the attack on Louisbourg, mainly by the colonial militia in coöperation with the British fleet; the Duke of Bedford at the Admiralty had another, in which the colonial militia were to play a subordinate role. Either might have succeeded, but the Duke of Newcastle and the remainder of the British government, worried by the war on the continent, by the invasion of the Young Pretender, and by their own natural laziness and stupidity, vacillated till both went by the board. It may be that the attempt could not have been successfully carried through without a more thorough establishment of British sea-power than was envisaged by either Shirley or Bedford; but the spring on Louisbourg had been successful, and the spirit of New England was so high that the *coup* might well have been followed up by the attack on Canada. One's chief feeling in reading the book is that of admiration for the legislature of Massachusetts and for the high spirit of the New England colonies.

W. L. GRANT

Vers l'émancipation (première période). Cours d'histoire de Canada à l'université de Montréal, 1920-21. Par l'Abbé LIONEL GROULX. Montréal: Bibliothèque de l'Action française. 1921. Pp. 308.

THE ABBÉ GROULX is rapidly making his way to the front as one of the most considerable Canadian historians of the day. His first important contribution to Canadian history was his *La Confédération Canadienne, ses origines*, published in 1918. This was followed in 1919 by *La Naissance d'une race*, and in 1920, by *Lendemain de conquête*, both of which have been reviewed at length in the pages of this REVIEW (Vol. I, pp. 307-8; pp. 396-402). Now comes from the press the present volume, *Vers l'émancipation (première période)*, which is a detailed study of the first decade of British rule in Canada, from the Royal Proclamation of 1763 to the Quebec Act of 1774.

All these volumes are based on lectures delivered by the author at the University of Montreal, and illustrate the serious and detailed manner in which Canadian history, or at any rate one phase of Canadian history, is being dealt with at that seminary of learning. They bear perhaps undue traces of the lecture form in which they were first cast; they contain flights of rhetoric and appeals *ad captandum* which seem out of place in a serious historical work. But they are founded on a very thorough study of the sources of Canadian history, and, whatever may be thought of the views which they advance or their general tone, no one who wishes to keep in touch with recent developments in regard to Canadian history can afford to ignore them.

Vers l'émancipation (première période) falls into five chapters. The first, entitled "La politique d'assimilation", deals with the Royal Proclamation of 1763 and the way in which the policy embodied in that proclamation worked out in practice. The second, "Au tribunal des juristes", is a study of the long series of legal deliberations and reports which culminated in the revival of "the laws of Canada" in the Quebec Act of 1774. The third, "Notre cause au parlement", is an analysis of the debates on the Quebec Act in the British parliament. The fourth, "L'Acte de Québec, sa teneur et ses causes", is a really notable study of the policy of the Quebec Act itself, and the motives which actuated those who framed it; and the fifth, "Le Canada de 1774", is a review of the state of the colony when the Quebec Act was passed. This method of treatment entails some overlapping and repetition, and it would have been better perhaps if the Abbé Groulx had isolated the various questions raised, either explicitly or tacitly, by the Royal Proclamation—the question of the status of the Roman Catholic Church, the question of representative institutions, and the question of finance—and treated them separately, as he has, to some extent, treated separately the ques-

tion of the laws of the colony. But for lecture purposes his treatment of the period had no doubt some advantages, and perhaps one would have no right to complain of it if there were an index, which is lacking.

These chapters are, without exception, written from a distinct point of view. The Abbé Groulx says, quite frankly, in his preface, that it is his ambition "to write and to teach history as a Catholic and a French Canadian ought". ("Notre ambition et notre droit sont de l'écrire et de l'enseigner comme doivent le faire un catholique et un Canadien français.") The result is similar to what one might expect if a Scottish-Canadian Presbyterian were to announce, in a work on Canadian history, that he approached his subject from the point of view of a Presbyterian and a Scottish-Canadian. The whole tone of the book is partisan. The Abbé Groulx has too much intellectual honesty to suppress essential facts; but he approaches his subject with certain prepossessions, and these inevitably colour his interpretation of the facts. The good Abbé, in fact, has a preconceived philosophy of Canadian history. Progress, in his eyes, consists in the growth of nationality; the sublime event toward which the whole creation moves is national independence. "Un heure vient ou parvenue à l'âge adulte une nationalité peut céder à l'instinct naturel qui la pousse vers l'indépendance" (p. 297). The history of Canada since 1763, is, for him, the story of the gradual advance of the French-Canadian people *vers l'émancipation*.

One could adduce many illustrations of the way in which this point of view colours the Abbé Groulx's treatment of his subject; but one or two must suffice. The whole of the Abbé's first chapter, on "La Politique d'assimilation", is based on the assumption that there was a definite attempt made in 1763 to turn Canada into "a newer New England". There were, it is true, in the Proclamation of 1763 and in the Royal Instructions to Murray, signs that such a policy was contemplated (though it is doubtful how far the terms of the Proclamation were due to mere ignorance and ineptitude); but this policy was virtually still-born, and was almost immediately reversed. The Quebec Act merely regularized, in some respects, conditions which had come into existence long before 1774. Chief Justice Hey, for instance, testified at the bar of the House of Commons in 1774, that in the court of King's Bench he had admitted the Canadian laws "indiscriminately in general" (Cavendish, *Debates*, p. 151). It is difficult to understand how anyone who has read the documents as attentively as the Abbé Groulx appears to have done can have failed to realize that, from 1764 to 1774, there was never any question with the authorities, either in Canada or in England, of a "policy of assimilation".

The Abbé Groulx is very severe on Murray, though he must know

that Murray was the friend of the French Canadians, and threatened to resign rather than put into effect in Canada the penal laws against Roman Catholics. Maseres is "un huguenot bilieux". Even Carleton gets small thanks for his statesmanlike attitude with regard to the French Canadians. "England", in fact, is the villain of the piece. If, by any chance, Englishmen do right, it is because they are forced to do so, or because they have some ulterior design in view. There is a complete failure to remember that in 1774 religious toleration was a new and almost untried experiment. There is everywhere an underlying assumption that Englishmen of the eighteenth century, having conquered Canada, should have behaved as if they were actuated by the most enlightened ideals of the twentieth century. The present is read into the past.

The Abbé Groulx has such an admirable knowledge of the sources of Canadian history, and he writes with such vigour and grace, that one wishes—if only for the sake of unity in "this Canada of ours"—that he would be objective rather than subjective, and that he would cease to treat history as though it were the handmaid of politics.

W. S. WALLACE

A History of the Organization, Development, and Services of the Military and Naval Forces of Canada, from the Peace of Paris in 1763 to the Present Time. With illustrative documents. Edited by THE HISTORICAL SECTION OF THE GENERAL STAFF. Volume III: *The War of the American Revolution; The Province of Quebec under the Administration of Governor Frederic Haldimand, 1778-1784.* [Ottawa. 1921.] Pp. xxix, 271.

THE first two volumes of this "history of the Canadian army" were noticed by us in the second number of this REVIEW (pp. 210-212). The present volume has all the merits and all the defects of its predecessors. It covers the period of Haldimand's governorship, from 1778 to 1784; and the military side of the history of these years has perhaps never been told in such detail, nor with such a faithful reliance on the original documents, as here. The editor has been particularly fortunate in having had at his disposal for this period the almost embarrassing wealth of the Haldimand Papers; and he prints from the Haldimand Collection many documents which have never hitherto seen the light. Indeed, the very copious selection of "illustrative documents", occupying as it does over two hundred pages, is the most commendable feature of the book.

At the same time, the *format* of this volume, as of its predecessors, is disappointing; and one must again express regret that the editor has not

thought fit to include in the volume any account of the bibliography of the period or any footnotes giving references in support of new or questionable statements. In a prefatory note, the editor has explained, doubtless in reply to criticism, that "as the principal documents . . . are printed verbatim herewith, footnotes, indicating sources for each particular statement, seem superfluous". But this is not the question. The question is whether, in the narrative sections of the book, the editor would not have been well advised to provide cross-references to the documents in certain cases; for, at present, if one wishes to find the authority for any given statement, he must wade through a mass of irrelevant documents on the bare chance that he may find it. It is not enough to say that "the narrative . . . is based upon contemporary records, and will not be found to conflict with them in any material point". Even contemporary documents vary greatly in their authority; and it is barely conceivable that in some cases the documents on which the Historical Section of the General Staff relies might be found not to be unimpeachable.

Another defect of the book is that the narrative chapters are devoted too exclusively to an account of the military operations, and are lacking in a clear account of the formation and organization of the loyalist levies which used Canada as a base for their raids during the American Revolution, as well as of the regular troops, both British and German. To refer, for instance, on consecutive pages, to "the Royal Regiment of New York" (p. 9) and "Sir John Johnson's regiment" (p. 10), without any indication that they are the same, is merely to darken counsel with words; and to refer frequently to such corps as Butler's Rangers, without explaining the character and composition of the corps, is to leave the reader without information to which he is entitled.

We must confess ourselves to be grateful to the Historical Section of the General Staff for its energy in undertaking a military history of Canada, for the research that it has shown in preparing the history, and for the original materials that it has now made available in print. But we should be derelict in our duty if we professed an unqualified admiration of the manner in which the task is being accomplished.

W. S. WALLACE

Log of the Columbia, 1790-1792. By JOHN BOIT. (Proceedings of the Massachusetts Historical Society, 1919-1920, vol. 53, pp. 217-275.)

A New Log of the Columbia. By JOHN BOIT. Edited by EDMUND S. MEANY. (The Washington Historical Quarterly, vol. xii, pp. 2-50.)

THE fur-trade on the north-west coast of America began in 1785. British, French, and Americans all strove for its control; in the end the last

were the victors. The early British traders gave to the world, almost immediately, a narrative of their voyages; Portlock and Dixon, who were on the coast in 1787, published in 1789 separate accounts of their discoveries and adventures; Meares issued in 1790 his story of his voyages to the coast in 1786-1789; Colnett's voyage of 1792 appeared in 1798. So, too, the French: Marchand's voyage (1790-92) was published in 1801, and that of Roquefeuil (1816-19) in 1823; though Peron's voyage of 1796 did not appear until 1824. But for some reason the American traders published nothing. A few small items, it is true, did appear, as, for instance, Shaler's voyage of the *Delia Byrd* in 1804, which was published in the *American Register*, 1808; but no connected or detailed accounts have ever been published. They did, however, exist, for Ingraham mentions an instance where an American vessel was carrying a gentleman for "the purpose of writing a history of the voyage". Cleveland may perhaps be regarded as an exception; yet, even in that case, while the voyage was made in 1799, his book did not appear until 1842—long after the trade had ceased to exist.

The first American trading voyage was that of the *Columbia* and the *Washington* in 1787-1790; the second, if Metcalfe, of whom scarcely anything is known, be excepted, was that of the *Hope* in 1790-1792; the third was the return voyage of the *Columbia*, 1790-1793. The stories of these pioneer American voyages exist only in manuscript, with the exception of Haswell's Log, of which a summary was appended to the 1886 edition of Bancroft's *History of the North West Coast*. Great interest attaches to the second voyage of the *Columbia*, because of her discovery of the Columbia River in May, 1792. Unfortunately, neither Haswell's Log nor Hoskin's Narrative, which were supposed to be the only existing records, touches this event. When the Oregon Question began to excite attention one of the owners of the *Columbia* obtained her official log and made a copy of the portion from May 7 to May 22, 1792, being the entries relating to that discovery. This extract is well-known; it has been frequently republished; perhaps it is most accessible in Greenhow's *History of Oregon*, Appendix E, pp. 434-6, and in Greenhow's *Memoir*, pp. 125-7. No other account of the voyage was known, and great disappointment was naturally felt when it was learned that the original document vouching for the discovery had been "used as waste paper". It was therefore with surprise and delight that the public heard in 1919 that a complete journal of this voyage of the *Columbia*, kept by John Boit, the fifth officer, had been found and presented to the Massachusetts Historical Society. This document has now been issued in its entirety by that society; and the *Washington Historical Quarterly* has reproduced the portion from the arrival of the *Columbia* off Clayoquot

Sound on June 4, 1791, to October 28, 1792, when the ship was well on her way to China.

This journal shows that the *Columbia* followed consistently the old plan of the early traders in flitting from place to place along the coast. Take, for instance, her movements between April 1 and October 1, 1792. After wintering in Clayoquot Sound, the vessel sailed southward as far as Cape Mendocino, then northward to the vicinity of the Strait of Juan de Fuca, thence southward discovering Gray's Harbour and the Columbia River, thence northward to Quatsino Sound and into Queen Charlotte Sound, then back to Quatsino Sound again, thence northward to Queen Charlotte Islands, thence back to Quatsino Sound once more, thence southward to Nootka Sound, thence northward to Queen Charlotte Islands, thence back again to Nootka Sound, thence southward to the Strait of Juan de Fuca, and thence to China. It is not surprising that Ingraham, who was in command of the *Hope*, considered it a better plan to visit a promising village and remain at anchor there so long as furs could be obtained. The competition was becoming too keen for good results to be obtained by a vessel continually on the move.

A strange error may be noted as indicative of the scrutiny to which Indian reports of the presence of other traders should be examined. The journalist, under date of October 14, 1791, says that they were informed by the natives that the *Hancock*, Captain Crowell, was then in the Strait of Juan de Fuca. But Ingraham's Journal shows conclusively that on October 8, 1791, the *Hancock* was at the Sandwich Islands, and, having sailed therefrom about October 12 for China, did not return to the coast until July 3, 1792. Again it is difficult to identify the "five sail of Spaniards" that the Indians said were, on September 11, 1791 (p. 18), up the Strait of Juan de Fuca; Elisa was in that vicinity earlier in the year, but he had only three ships under his command. As an instance of the contradictory stories of unprovoked attacks by the natives and retaliation by the traders it may be pointed out that the Indians' version of the incident of June 29, 1792 (pp. 36-37), in which such an attack and retaliation are described, is, as given in the *Viage*, that Gray fired on them in order to make them barter their peltry at a lower rate. Such charges and counter-charges are quite common in the history of the maritime fur-trade.

Professor Meany has added a concise and accurate historical introduction and a considerable number of notes explanatory of, or connected with, some of the references in the journal. These are quite correct and satisfactory as far as they go; but many things have been left unexplained, and but little has been done either to inter-relate the journal with the contemporary published accounts or to bring the place-names

into terms of modern geography. The location of St. Patrick's Bay, Port Tempest, and Massacre Cove has been left unsolved; Hatch's Island (p. 12) appears to be Bonilla Island; Hancock's River (p. 16) is, of course, the Massett of to-day.

This journal is the most important "find" that has been made in the past twenty years relating to the history of the North-West Coast. Professor Meany has done well in republishing it, so as to give it a larger circulation in the community directly interested.

F. W. HOWAY

A History of the British Army. By the Hon. J. W. FORTESCUE. Vol. IX (1813-1814) and Vol. X (1814-1815). With a separate volume, containing thirty-one maps and plans. London: Macmillan and Co. 1920. Pp. xxvi, 534; xviii, 450. (£4, 4 sh.)

IN these two volumes of nearly a thousand printed pages, the author continues the history of the British Army from the spring of 1813 to the end of the Waterloo campaign.

In his preface he states that the copy for them was actually completed by the end of 1915, but that he was unable to obtain the services of a competent cartographer to make the maps, and printing was deferred until the war was over. Meanwhile he undertook with some reluctance what proved to be the ungrateful task of writing an official account of the war then going on, which he has since abandoned, owing to the restrictions imposed upon him, which seemed to make its satisfactory accomplishment impossible. He now announces his intention of endeavouring to complete his present valuable work down to year 1870, and it is to be devoutly hoped that he may succeed.

The general situation in Europe is briefly reviewed in the first chapter of volume IX. The author then proceeds to relate the events of the inglorious British campaign on the east coast of Spain under Sir John Murray. The organization of the main army, before undertaking the triumphant march to Vitoria and the Pyrenees, receives careful attention. The incidents of that victorious campaign, ending in the expulsion of the principal French army from Spain, the desperate fighting in the mountain passes and valleys, the siege of San Sebastian, and the battles in the south of France, are well described.

Mr. Fortescue is in truth a severe critic and seldom entirely satisfied with the conduct of any commander on either side. He has a keen eye for mistakes and delights in pointing out any that have been made by Napier, for whom he has scant respect. His own strong prejudices are evident. He dislikes and distrusts democracy and plainly regrets the passing of the old order. In his opinion, Lord Castlereagh was "the

ablest of our Ministers of War," and "the ablest of living English statesmen;" and "the Duke of York, our best Commander-in-Chief" (X, pp. 182, 229).

Sir John Murray, Lord William Bentinck, Sir Alexander Cochrane, the Prince of Orange, Gneisenau, and others are roughly handled. Wellington's shortcomings are not spared, any more than those of his opponents. Not infrequently, however, the author's judgments are almost nullified by the extreme violence of the language in which they are expressed.

Volume X begins with a short chapter on Sir Thomas Graham's expedition to Holland, followed by a view of the European situation and a continuation of the narrative of events in the south of France. The next deals with the assault on Bergen-op-Zoom and the abdication of Napoleon. A third describes Lord William Bentinck's campaign in Italy and the conclusion of the war in the Peninsula. An excellent "Summary of the Period, 1803-1814," contains much interesting information respecting the functions of the War Office, which is scathingly described as having been "a sink of jobbery and extortion". In the Medical Department, it is stated that "jobbery, favouritism, and corruption were such as to discourage any good man from entering the service. . . . the general hospitals were hotbeds of waste and dishonest dealing in favour of every one except the patients" (X, p. 194). The department of the Chaplain-general was perhaps a little better, as "the more part of the chaplains seem to have been morally correct, but helpless in their strange surroundings, ignorant of the world, ignorant of men, and therefore inefficient In any case the chaplains as a body were a failure" (X, p. 201).

But Mr. Fortescue can praise as well as blame. During this period, as he relates, except for a short interval between 1809 and 1811, the Horse Guards "remained under the admirable direction of the Duke of York as Commander-in-Chief." It may be observed, indeed, that some ill-natured criticism had taken place in parliament and out of it, of matters that savoured strongly of "jobbery," which brought about this temporary retirement, but that is passed lightly over. The heads of the three principal departments under the Duke's control were "men of decided ability, and Calvert, in particular, was remarkable alike for high character and excellent understanding. Under their administration the government of the Army was conducted with efficiency and without friction; while the unfailing industry of the Duke of York, his accessibility to all officers, his readiness to look into all grievances, and his unswerving loyalty to his masters in the Cabinet, made him an ideal chief. If the whole business of the military forces could have been left

to the Horse Guards, there would have been infinitely less bungling in the organization of the military strength of the country, and a far smaller proportion of abortive and absurd expeditions" (X, pp. 201-2).

It is rather disheartening to have this pleasing picture blurred by the discovery that one of these three gentlemen, James Willoughby Gordon, who was Military Secretary until 1812, and afterwards Quartermaster-General, is elsewhere referred to as inspiring the writer "with a feeling very remote from respect" (X, p. 191).

Nearly one-half of this volume is naturally devoted to the memorable campaign which culminated in the battle of Waterloo. The conduct of Wellington on that occasion, and his character as a commander and a man, are effectively described.

One chapter of sixty-seven pages in Volume IX summarizes the principal events of the war with the United States in 1813. Another of thirty-eight pages relates yet more briefly those of 1814 on the Canadian frontiers, while a third of forty-two deals with the expeditions to Penobscot, Washington, Baltimore, and New Orleans. The chief secondary authorities cited for these are Kingsford, Mahan, and Lucas, who, oddly enough, is sometimes referred to as Sir C. and at others times as Mr. Lucas. There is also some indication that a few of the original records have been examined.

Although Mr. Fortescue does not attempt to justify the conduct of Sir George Prevost at Plattsburg, he makes a strong plea for a revision of the unfavourable judgment that has generally been passed upon that officer. "Prevost died before he could stand his trial," he writes, "and, in default of his appearance, judgment has been given against him. This is very unfair. The whole weight of civil as well as of military direction lay upon him, and throughout the three wearing years of his command he was called upon to make bricks without straw. At the outset he was bidden to do his best without hope of troops or of money; and, though he received more of both than could have been expected, he never received them at the appointed time, and thus was unable to lay his plans with any certainty of being able to execute them. Above all he had no naval force, for but few officers and men could be spared from England; and yet this war was to all intent a naval war inland. Hence his instinct was to husband his resources, to stand constantly on the defensive, and to welcome every chance of an accommodation; and it cannot be said that such policy was altogether incorrect On the whole it must be said, taking his civil and military administration together, that he fulfilled an extremely difficult duty with no small measure of success, amid endless worry and anxiety, and latterly, as it should seem, though he was not yet fifty years of age, under the burden of failing

health. When all is said, the criticism levelled at Prevost rarely rises above the natural but superficial cavilling of local and personal prejudice, and never regards the situation in its entirety. Yet, this is, above all, a case in which it must be remembered that, though subordinates may reap the credit for any local success, the responsibility for every failure everywhere recoils upon the Commander-in-Chief" (X, pp. 134-5).

While the narrative contained in these chapters, is in the main, fairly accurate, a number of errors in detail appear, which cannot be easily accounted for.

For instance, it is stated (IX, p. 308, note) that the 104th Regiment had arrived in New Brunswick late in 1812. The New Brunswick Fencibles was converted into a regiment of the line in 1810, and recruited up to the establishment there. Many of the junior officers and most of the men were natives. York is described as having "no defences except a ruined fort and five guns" (IX, p. 309). The fortifications were poor enough, but not in ruins, and an official return of garrison ordnance at York, dated March 31, 1813, shows that eighteen guns were available. The statement that "the cannonade of Fort George began at 4 a.m. of the 27th May," 1813, is incorrect. A letter from Lieut.-Colonel Harvey to Colonel Baynes, dated May 25, shows that it began at daylight that morning. "Sixteen small schooners" (IX, p. 323) should certainly be amended to read ten. "Lieutenant" Oliver Perry is described as building and fitting out his squadron at *Fort Erie* (IX, p. 324), and another reference is made to "the enemy's naval station at Fort Erie" (IX, p. 327). Major-General Procter's name is consistently misspelled. Lieut.-Colonel McDouall always figures as *M'Donall*. Châteauguay is invariably written *Châteaugai*. Prevost is said to have "moved his head-quarters during the third week in July to the Niagara frontier" (IX, p. 330). The correct date is August 21. The date given for Wilkinson's advance upon Lacolle (X, p. 101) should be March 29 instead of 19. "Nineteenth" (X, p. 105) should be Ninetieth. The width of Chippawa Creek, given as "fifty yards" (X, p. 107), is more correctly stated by Captain Mahan at one hundred and fifty yards, and the "thin belt of forest" at Street's Creek (X, p. 108) as "a strip of thick wood". "Twenty Mile Creek" (X, p. 111) should undoubtedly read Twelve Mile Creek. The village of Queenston was not "burned by the American militia" (X, p. 111). "Two five-pounders" (X, p. 113) should read two twenty-four pounders. "Fort St. George" (X, p. 110) and "Burlingham Heights" (X, p. 124) are mistakes that require no comment. This list might be much enlarged. These are small defects, it is true, but they sensibly detract from the real merits of the book.

Inaccuracies in quotation furnish more serious grounds for complaint. Yeo is quoted as having written to the Admiralty:

I assure you, Sir, that the great advantage the enemy have over me from their big twenty-four-pounders almost precludes the possibility of success unless we can force them to close action, which they ever have avoided with the most studious circumspection (IX, pp. 323-4).

Yeo's letter was addressed to Sir John B. Warren and the entire sentence reads as follows:

I have deeply to lament the loss of our masts, otherwise in a quarter of an hour we should have brought them to close action, but I can assure you, Sir, that the great advantage the enemy have over us from their long 24 pounders almost precludes the possibility of success unless we can force them to close action which they have ever avoided with the most studied circumspection.

Procter is quoted as writing with respect to the proposed destruction of "the enemy's naval station at Fort Erie" (X, p. 327):

It could easily have been done a short time since, it will now be a work of difficulty . . . I would not willingly attack it without the whole of the first battalion of the Forty-first . . . It is not too late if they were sent at once to Long Point. Again, on the next page, Had the force ordered been sent to me I could have taken Presqu'île thus securing the command of the Lake . . . If the command be lost it will be difficult to recover it (X, p. 328).

What Procter actually wrote was:

In my last letter I mentioned that I conceived it requisite the whole of the 41st Regiment should be in this district with as little delay as possible. I have only to say that the Detention of the Force ordered here by the Commander of the Forces has prevented this District being in a state of security, which the Destruction of the Enemy's Vessels at Presque Isle would have effected. A service that might very easily have been completely effected a very short time since, but which I apprehend may now be attended with much difficulty. . . . I shall make the attempt willingly on Presque isle; except I have the *whole* of the first Battalion, which I have reason to believe there is not any real intention of sending me (Procter to McDouall, July 4, 1813).

If I had received from the Niagara Line the Reinforcement which you directed should be sent, I should have it in my power by the destruction of the Enemy's Vessels in the Harbor of Presque isle, to have placed the Dock Yard and Post of Amherst in a state of security, that under existing circumstances, it cannot be said they are at present, however, though certainly more difficult to be effected, it may not be too late, if agreeable to Requisition the remainder of the 41st Regiment are immediately sent to Long Point (Procter to Prevost, July 4, 1813).

Prevost is quoted as having written to Downie on September 10, 1814:

I ascribe it to the unfortunate change of wind, and I shall rejoice to learn from you that my expectations have been frustrated by no other cause (X, p. 129).

To be properly understood the whole letter should be quoted, but the latter part of it actually reads as follows:

I ascribe the disappointment I have experienced to the misfortune of a change of wind, and I shall rejoice to learn that my reasonable expectations have been frustrated by no other cause.

Volume X contains a very satisfactory index to both new volumes. The maps and battle-plans are remarkably well prepared.

E. A. CRUIKSHANK

Cours d'Histoire du Canada. Par THOMAS CHAPAIS. Tome II: 1791-1814. Québec: Librairie Garneau. 1921. Pp. 343.

THIS is the second volume of a series of lectures on the history of Canada which Senator Chapais, who is Professor of History at Laval University in Quebec, has been delivering at that institution. The first volume has already been noticed in the pages of this REVIEW (vol. I, pp. 314-316), and the praise which was accorded to the first volume is equally deserved by the second. Fortunate indeed are the students who sit at the feet of such a sound historian as Senator Chapais has once more shown himself to be in this book. These lectures are no mere *réchauffé* of secondary authorities; they are based on an intimate study of the original documents, and while they do not perhaps add much to the sum of our knowledge, they are written with such an excellent historical judgment and with such a full appreciation of the background of British politics, that they have a distinct value of their own.

The title of the volume is perhaps a trifle misleading. The lectures do not attempt to cover the whole field of Canadian history from 1791 to 1814; they deal only with the history of Lower Canada during these years, except for a few pages which trace the course of the War of 1812 in Upper Canada. Of the political history of Upper Canada, or of the history of exploration and the fur-trade in the West, there is not a word. Perhaps these phases of Canadian history will be treated in a later volume: one does not like to think that the study of Canadian history at Laval University is confined to the study of the political history of the French-Canadian people, interesting and vital as that no doubt is to French-Canadian students. We are, French Canadians and English Canadians, co-heritors in a great heritage; and it would be a calamity if French-Canadian university students were to go out into the world without some knowledge of the history of the whole Dominion.

Within the limits, however, which he apparently set himself, Senator Chapais has acquitted himself in a manner which deserves admiration. He appears to have neglected no important source of information; and his method of treatment is dispassionate throughout. He has his opinions, as every historian is entitled to have, but he holds them without rancour and animosity. Much as he deplores the course followed by Sir James Craig, he has a kindly word for Craig's sincerity, and he confesses that Craig would probably have made a good governor in one of the crown colonies (p. 232). Even the egregious H. W. Ryland, who

probably did more to embitter the relations between *les deux races* in Canada than any one other person, he describes as in private life "honorable, intègre, digne d'estime" (p. 148). He actually goes out of his way to point out that in 1809 *Le Canadien* admitted that the official language of the colony was English (p. 81, note). The fact is of no practical importance to-day; but straws such as this show the way the wind blows. They show that Senator Chapais, French Canadian though he is, is an historian first and a French Canadian afterwards.

One criticism—and that a criticism rather of form than of anything else—occurs to one. The constant recurrence of "nous" and "notre histoire" and "notre langue" is intelligible in a course of lectures delivered by a French-Canadian professor to French-Canadian students; but on the printed page it has an appearance of provincialism. The best French and English historians do not thus use the first person plural pronoun; they prefer to be more objective. No doubt if Senator Chapais had recast the form of his lectures for publication, he would have eliminated this feature of his book; but it must be confessed that, as the lectures now stand, this feature jars on the non-French-Canadian reader.

The book is, nevertheless, one that no student of Canadian history should neglect. It is a masterly treatment of the period with which it deals; and the lists of "Sources et ouvrages à consulter" at the end of each chapter are alone worth the attention of the historical student. One looks forward with pleasurable anticipation to the next instalment of this *Cours d'Histoire du Canada*.

A History of the Canadian Bank of Commerce, with an account of the other banks which now form part of its organization. By VICTOR ROSS.

Volume I. Toronto: Oxford University Press. 1920. Pp. xviii, 516.

PROFESSOR FREEMAN's definition of history as past politics was inadequate. Much of what is vital to man does not touch the field of politics. But it is true that a wide range of interests touches politics, and among them is banking. Finance lies in the background of many, perhaps most, of our social problems. What a tale of politics would a frank history of the Bank of England tell, of Whig support and Tory antagonism, of anti-Jacobite resolves that the Stuart should not come back to the English throne, since, if he did, the bank founded by Whig money would be in danger. Banks have forbidden, perhaps also they have made, wars. German finance was bribed into supporting the recent war because it was promised new fields to exploit. During the war it was to the banks that governments looked to steady public credit. The history of a great bank is in large measure the story of the conditions in the society where it operates.

The Canadian Bank of Commerce, founded just after the federation of Canada in 1867, has published in a handsome form the first volume of its history. The chief author is Mr. Victor Ross, a Toronto journalist. Three of the six chapters, however, have been written by Professor Skelton of Queen's University,—those dealing with the days before banks and with early banking in Upper and Lower Canada, and with the history of the Merchants Bank of Prince Edward Island, and the Bank of British Columbia. Dr. C. W. Colby, late of McGill University, has written the chapter on the Eastern Townships Bank. Mr. Ross himself has written the chapter on the Halifax Banking Company and the Gore Bank. Of the banks thus described those in Nova Scotia, Ontario, and British Columbia are the oldest in these provinces, and all five have been absorbed by the Bank of Commerce. The arrangement of the book leaves us rather in the air in respect to the Bank of Commerce itself. Its history is reserved for the second volume. In these pages it stands rather mysteriously in the background. It is younger than any of the five which it drew to itself. Nearly one-third of the book is given to a valuable appendix which is in large measure a history of the various aspects of Canadian currency. There are also statistics showing the dividends of the banks. In only a few years were they unable to pay dividends.

The book has been prepared very carefully. The secretary of the Bank, Mr. Trigge, has sifted the facts. Though sometimes we have "to loan" for "to lend", the English style is good and on a high plane. Apart from the intrinsic interest of the story, the most striking feature of the book is the illustrations. These, with the text, constitute a history of currency in Canada. They include also many portraits of bank officers, and scenes in the history of the bank such as those of the Cariboo trail in British Columbia. There are reproductions of the card money of the French period, the first paper currency in North America, which in the last days of the French régime became so fertile an engine of the frauds of the intendant Bigot. Issues of currency by private companies, governments, and banks are given. At one time even individuals issued their own currency; one of the quaintest things in the book is an account (p. 128) of currency printed on leather by a shoemaker of Prince Edward Island. Currency in Canada has a bewildering history. The list (p. 62) of gold and silver coins held by the Halifax Banking Co. in 1831 makes our own difficult problems of currency and exchange seem almost simple. It was only a few years before the federation of Canada in 1867 that the dollar standard of the United States was adopted. The movement associated with the railway era which began in Canada about 1850 had made a common unit of currency a necessity. Spanish doubloons,

patriot doubloons, half eagles, the pound sterling, York shillings, pistareens, were only some of the varieties of the coinage in circulation. We see one of the subtle forces working for Canadian union when we find Nova Scotia and what are now Ontario and Quebec adopting the dollar currency before they confronted political union.

Banks began in Canada only a century ago. To-day they are so vital a factor in commercial life that it is not easy to picture a society in which they did not exist. How, without banks, could matters of exchange be adjusted, could credits and debits pass from one country to another, could reserves of money be held securely, could needed loans be effected? The answer is that governments and individuals discharged the functions of banks. One of the interesting things in this volume is the account of the Army bills issued in pre-banking days by the military command during the war of 1812 in denominations as low as one dollar. These were issued in payment for supplies and also, no doubt, for the pay of the soldiers, and they were used as currency. Private merchants took deposits from their customers and issued due bills circulated locally. In British Columbia, in the early days of the gold seekers, there was no bank to take charge of the precious metal. For security misers buried their own gold dust, in itself an invitation to the robber. The bank came as a relief from anxiety for the individual.

There is no doubt that the Canadian banking system is based in large measure on what was done by Alexander Hamilton in the United States. The Bank of Montreal, the first Canadian Bank, began in 1817, but it was not until 1822 that the principle was established that banks should receive charters, conferring, no doubt, privileges but creating also obligations. In the United States, Hamilton, in founding the National Bank, which existed for only twenty years, had to meet the objection that banking was no affair of government and least of all of the federal rather than of the state government. To create the bank he had to accept severe restrictions. In Canada these were expressed in limitations upon the debts which the bank might incur in proportion to its capital and in government supervision. In a new country it was wise to follow Hamilton's example and to restrict the banks in respect to loans upon real estate. Probably Canada would have been saved from some desolating "booms" if this principle had always been carried out in the spirit as well as in the letter. But the restriction has not been thought necessary in England, and in Canada to-day it involves a serious handicap in respect to securing capital for the needed supply of houses. Nova Scotia was not under the same law as the older Canada. So chaotic, indeed, was colonial banking that in 1833 the British government laid down rules which should apply to all colonial banks. They

must redeem their notes in specie, they must limit discounts to directors, they must not lend money on the security of their own stock, they must lend only on securities easily realizable, and the shareholders must be liable for double the amount subscribed for their shares.

It is impossible here even to outline the growth of banking unity in Canada as it kept pace with political unity. United with the Canadian Bank of Commerce of to-day are five other banks which had their beginnings in as many Canadian provinces. The story of each of these institutions has its own distinct interest. The Halifax Banking Co. was the creation of the first great Canadian capitalist. Enos Collins was one of the more than twenty children of his father, and he died worth from six to nine million dollars, a vast fortune even now. He and four of the eight partners in the bank sat in the council of twelve which was the second chamber and also the executive government of Nova Scotia. Naturally this was attacked by a reformer, such as Joseph Howe, and banking played a leading part in the political issues of Nova Scotia before 1840.

The Merchants Bank of Prince Edward Island sprang, too, out of local needs. In Upper Canada William Lyon Mackenzie assailed the Gore Bank at Hamilton in which his rival, the Tory leader, Sir Allan MacNab, was a conspicuous figure; and banking and the Family Compact worked in alliance. We find another interesting type of local conditions in the creation of the Eastern Townships Bank in Lower Canada. The people of the Townships spoke English and insisted on having English, not French, land laws. Before the railway, they were remote from Montreal, and so they created a bank of their own. In remote British Columbia another type of bank was created. About 1860 capital was superabundant in England. It then took four months for goods to reach British Columbia and the shortest route for passengers was across the Isthmus of Panama and from there by San Francisco to Victoria. Yet, persuaded by fortune-seekers in British Columbia, London capitalists founded the Bank of British Columbia. They retained control in London, but it is amusing and sometimes tragic to see how futile were their efforts to check in their agents the speculative spirit inevitable in a new and rich country.

In his introduction, Sir Edmund Walker mentions the humours of banking, and some of them are noted here. The old days were more easy-going than ours. There were many holidays. The death of King Charles the Martyr, the Restoration of Charles II, and the Gunpowder Plot were observed, together with other incidents forgotten now. The system of inspection, rigorous to-day, but even so still fallible, was loose; the Bank of British Columbia was, it was said, a "gentleman's

bank", and it was not regarded as gentlemanly for an official to arrive without notice and take charge of an office. Invariably, as the banks were united, more rigorous methods were adopted, and all to the advantage of financial stability. It is quite clear that the path of the banker was thorny and that, even with a discount rate as high as thirty-six per cent. in the far west, profits were by no means assured. The union of the local banks in a larger whole followed naturally the political union of the country which offered wider opportunity. This helped to equalize profits. There might be a good year in Nova Scotia when there was a bad one in British Columbia.

There are the facts here for a philosophy of banking based on the need of a stable basis for public confidence and credit and the circulation and exchange of values and the reaction of these things on political unity. The story in this book is that of the transition from primitive barter to the highly organized systems of to-day which few people really understand. The mysteries of exchange are still almost beyond analysis. This book is a notable record of the achievements of the banker. It is more than a record of the past in which intelligence and energy made capital available for social service. It is a forecast of a future, clouded and difficult beyond anything ever known before. In the small communities of earlier days the felt need brought to the front natural leaders. To-day the vast mechanism of the banks may foster the coming to the front by mere routine of men who are bankers and only bankers. In England and in Canada the complaint is now often made that many leading bankers are not adequately educated for their great tasks. It is for the banks to find a policy which will correct this fault. They command vast resources, and the public will support them in offering adequate rewards to adequate education. By this story of its past the Canadian Bank of Commerce has shown its desire to link banking with the wider aspects of society and has added a vital chapter to the economic history of Canada.

GEORGE M. WRONG

The Life of Dr. McCulloch. By the Rev. WILLIAM McCULLOCH., D.D.
 Edited by ISABELLA WALKER McCULLOCH and JEAN WALLACE
 McCULLOCH. Truro, Nova Scotia. 1920. Pp. 218. (\$2.50.)

THE life of Dr. Thomas McCulloch is the history of the progress of non-sectarian higher education in Nova Scotia, and in a great measure the history also of the gradual ascendancy of the Legislature over the Council. It was only, indeed, when the Legislature at last became supreme that non-sectarian higher education was firmly established in Nova Scotia. In the struggle Dr. McCulloch played a conspicuous part. In fact,

while Joseph Howe was still a Tory, Dr. McCulloch was advocating greater freedom for dissenters, both in education and politics; and Howe in later years admitted that his change of view-point was effected by Dr. McCulloch's writings.

Intending to accept a call to Prince Edward Island, Dr. McCulloch arrived in Pictou from Scotland in the winter of 1803. As the passage of the Strait was dangerous at that time of year, he remained in Pictou, and finally accepted a call to the Presbyterian Church in that village. In 1803 King's College at Windsor, which had been established by royal charter and was supported by a government grant, was closed to all who would not profess the Episcopal faith. Dr. McCulloch recognized the need of higher education for these dissenters, who comprised about four-fifths of the population of Nova Scotia. With this in view, he established a school in his own house, and shortly afterward erected a log school-house, in which subjects of a higher order were taught than those in which tuition could be obtained in the common school. This school was the beginning of the famous Pictou Academy, and the first non-sectarian school for higher education in the province of Nova Scotia. In 1811 Dr. McCulloch was appointed by the government principal of the provincial grammar school, and in this school he was subsequently given a room in which to instruct divinity students, and was made professor of divinity by the Nova Scotian synod of the Presbyterian Church. Here many difficulties were encountered and overcome, and progress was made; but at last the school could not withstand the assaults made against it and the lack of spirit of its supporters, and in 1838 closed its doors. Then Dr. McCulloch accepted the invitation of the government to undertake the principalship of Dalhousie College, where he laboured with varying success until his death, five years later. He did not live to see the fruit of his unselfish work; but the early complete emancipation of all dissenters was greatly due to his influence.

The biography has been written by Dr. McCulloch's son William, and has been published, after the death of the latter, by two of his granddaughters. Much is contained in the volume of little interest to those outside of the family circle; and many names have been suppressed which would have added interest to the narrative. It is hard to see why these names have been omitted, as now almost a century has passed.

J. F. CAHAN

Canada in the Great World War. By various authorities. Volume VI: *Special Services, Heroic Deeds, etc.* Toronto: United Publishers of Canada 1921. Pp. viii, 393.

“MOPPING up” is a difficult and uninteresting literary process, and

although the work has here been cleanly and adequately done, the sixth and presumably last volume of this general history of Canada in the war lacks the coherence of the earlier instalments that have received favourable notice in this REVIEW. Yet there is much interesting material in it for the layman. The three opening chapters deal with the Artillery, the Engineers, and the Army Medical Corps, and very wisely specialize in explaining the nature of the work of these units to the non-technical reader. Attempts to compress an immense amount of detail into short chapters in a volume of this kind are not successful.

In the second part of the book, which deals with religious, social and women's activities in the war, two very modest chapters on what the "padres" and the Salvation Army tried to do, are both more effective than the catalogue of activities attempted on the Y.M.C.A., Knights of Columbus, and women's organizations, in the last of which particularly there are inevitable omissions that to some readers will seem notable. The chapter on the Chaplains' Services is one of the best in the book, only slightly marred by the apparent blunder of putting the Canadian Mounted Rifles on the Somme at the very time that they were being annihilated at Mount Sorrel, and by a tinge of bitterness on the subject of promotions which appears on the same page (134). Even better is Mr. L. J. Burpee's chapter on the C.A.M.C., which in particular deals with admirable restraint with the Bruce and Baptie Reports controversy. There is a chapter on demobilization which goes to the extreme of caution in completely omitting specific reference to riots in the Rhyl district. A curious absence of proportion appears in the chapter on Russia, as the northern campaign, in which the only Canadian unit employed was Colonel Sharman's artillery brigade, receives twenty pages, while the Siberian expedition of over 4,000 Canadians of all arms receives only two or three short paragraphs.

The last third of the book contains *Gazette* accounts of the Canadian V.C. exploits, and an appendix of the names of the various officers commanding the Canadian overseas units. The latter is a subject full of pitfalls for those who have not time to go carefully into the complexities of acting, temporary, and permanent commands, but the editor should hardly have missed the fact that Colonel Hamilton Gault returned to Canada in command of the unit that he raised (see p. 321). The constant use of the word "Hun" for "German" in every kind of context calls for a mild protest. Surely this is now an anachronism. The vast majority of fighting soldiers have long since given a half-playful sense to a word that undoubtedly served a perfectly legitimate purpose as propaganda, but is quite out of place in military history.

R. HODDER WILLIAMS

Letters from the Front; Being a Record of the Part Played by Officers of the Bank in the Great War, 1914-1919. Edited by CHARLES LYONS FOSTER; supplemented, and incorporated in this volume, by WILLIAM SMITH DUTHIE. Vol. I. The Canadian Bank of Commerce. [1920.] Pp. clix, 344.

THIS magnificent volume is a memorial to the part played by officers of the Canadian Bank of Commerce in the Great War. It contains a complete list of enlistments from the bank, the photographs of those members of the staff of the bank who laid down their lives, and of those who were decorated or mentioned in despatches, and a striking series of excerpts from letters written by Bank of Commerce men at the front. These letters were originally published in pamphlet form during the war, primarily for circulation among members of the bank staff, both at home and overseas; but are now collected in one volume, with the addition of supplementary letters, and are offered to the public, in the hope, as Sir John Aird says in his introduction, that they "will prove of value to those who desire first-hand impressions of the fields on which Canada's sons have won immortal fame".

It is perhaps too much to say that these letters have any historical value. The men in the trenches often knew less of what was going on than anyone else. But these letters should be of use to the historian as illustrative material, and perhaps an occasional letter might even be used to establish a doubtful point. The main interest of the book, however, lies not in its value as the raw material of history, but in its quality as a memorial of the part played in the war by the officers of a great Canadian bank.

The Story of Canada's War Finance. By Sir THOMAS WHITE. Montreal: The Canadian Bank of Commerce. [1921.] Pp. 70. (Gratis.)

IN this little book, Sir Thomas White reviews his stewardship throughout the war as Minister of Finance. He was, in a very real sense, the "pilot who weathered the storm", for the strange events of August, 1914, were even more bewildering for the Canadian than for the British statesman. In England, the Stock Exchange was closed for a time, and a moratorium was hastily declared. It is said that for a moment the financiers who met at the Bank of England to consider emergency measures, were at a loss for immediate expedients. But once the panic that threatened to develop had been allayed by special orders, the machinery for raising public loans, on a scale sufficient for the struggle, was at hand and ready. And in the British fiscal system the Chancellor of the Exchequer possesses a means of getting revenue, more elastic than any to be found elsewhere. Canada had neither of these advantages. The domestic

loans that had been floated before the war were trifling judged by the standards now common. Canada had neither organization nor resources of the kind she needed. Her fiscal system, devised with an eye to the protection of infant industries, as well as for revenue purposes, was quite inelastic. Worst of all, her industries without exception were depressed.

The problems that faced the Finance Department were thus novel in kind as well as in proportion. Sir Thomas White explains, step by step, the gradual evolution which at last made it possible to raise, by means of three Victory Loans, the very large sum of \$1,700,000,000. He details the currency reforms which served as a foundation, and the reasons for their adoption. He traces the great fluctuations in foreign exchange, which led to the "pegging" of exchange rates, on a scale still difficult to realize. He describes the rôle of the Royal Mint at Ottawa, which for very many months was the keystone on which rested all the complicated structure of Anglo-American finance. Not least important is his account of the new fiscal expedients to which he resorted, the reasons therefor, and the weaknesses that (in his opinion) distinguished some of them. The book is a rare combination of good economics and good journalism. Wide in its scope, and complex in its subject-matter, it is a triumph of compression. It is an essential document for the proper appraisal of the part played in the war by Canada; and the financial policy pursued in wartime, if it be thought to need vindication, is surely vindicated here.

To the future student of our war finance, it is probable that the process which we have agreed to call "inflation" will appear of overwhelming interest. Sir Thomas White writes as a man of business for his fellows, and is not directly helpful here. He does not attempt a strict analysis of the delicate but obscure relations between an excessive issue of fiat money, the level of prices in the markets, rates of interest, and the movement of exchange rates. Indeed, from his account of what happened, it is at least doubtful whether he has fully worked out those relations for himself. But though this lessens somewhat the value of his work (and if he had made such an analysis, he would have been compelled to write a much larger book), it presents nevertheless a side of the problem of inflation which academic thinkers, visualizing war expedients from the peaceful seclusion of a study, are sometimes apt to forget. Sir Thomas White emphasizes, from first to last, the fact that what was done had always to be done quickly. War is always a series of emergencies. War expedients are apt to bring with them ulterior consequences which the ministers themselves are not able to foresee. They leave behind them as a legacy the perplexing financial problems

of peace with which the present is making us familiar. But the overwhelming impression which will be carried away by readers of this book, is that the first requisite in a Finance Minister who has to deal with crises is a capacity for prompt decision. The man who waits for second thoughts is courting disaster. It is more important to save the banks from a run when war is impending than to save them from a crisis when treaties have been signed. The measures adopted in the first week of the war were effective in preventing panic. They were adopted so hurriedly that (as Sir Thomas White retrospectively confesses) they were actually quite illegal. But they served their purpose, and made great efforts possible.

G. E. JACKSON

Canada. Von LOUIS HAMILTON. (Perthes' Kleine Volker-und Länderkunde: 8 Band.) Verlag Friedrich Andreas Perthes A. G. Gotha. 1921. 174 S. (M. 24.)

THE series in which this publication appears is for "use in practical life". Consequently the volume consists of a compilation of information. The chapters deal with a variety of topics. Geography and natural resources occupies sixty pages; population forty pages; industries, transportation, and trade seventy pages; and general topics such as history and political conditions fill in the remaining forty pages. Particular emphasis is placed on a discussion of the German-Canadian tariff war and trade, of the possible effects of the political situation on the tariff, of the political status of Canada as a nation, of the possible influence of the Hudson Bay Railway and other transportation improvements on the marketing of wheat in Europe. The history of Canada from Cabot to the present time is dealt with in eight pages.

The significance of the compilation is in its appearance and its character rather than in its information. The fur-trade is considered, but the author finds himself obliged to omit such an important subject as banking. Very little of the material is taken from sources dated as late as 1919, and some from sources no later than 1914. Nevertheless, information "in deutscher sprache über Canada" is slight (p. vii). The series is an index of the strenuous reconstruction efforts of Germany, and the present volume is undoubtedly a testimonial to the new position which Canada has gained in German appreciation because of the war.

H. A. INNIS

Fifteenth Report of the Bureau of Archives for the Province of Ontario. By ALEXANDER FRASER. Printed by order of the Legislative Assembly of Ontario. Toronto: King's Printer. 1920. Pp. xix, 782.

DR. FRASER'S voluminous publication chiefly consists of manuscripts, here photo-lithographed, on the Huron language by the Rev. Pierre Potier, S.J. (pp. 1-688). It also embodies (1) the "Account Book of the Huron Mission at Detroit and Sandwich (1740-1751)", by Frs. Richardie and Potier, with translations and notes by Richard R. Elliott (pp. 689-715); (2) two "Huron Glosses" from the *Jesuit Relations* (pp. 717-724); and (3) a "Grammar of the Huron Language, by a Missionary of the Village of Huron Indians of Lorette, near Quebec, found amongst the papers of the Mission, and translated from the Latin, by Mr. John Wilkie" (reprinted from the *Transactions of the Literary and Historical Society of Quebec*, 1831), (pp. 725-777).

Potier's manuscripts include his "Elementa Grammaticae Huronicae" (pp. 1-157); his "Radices Huronicae" (pp. 161-455); and the "Extraits de l'Evangile" and other pious exercises, translated into Huron (pp. 461-688).

As may readily be seen, the bulk of the materials presented are first of all intended for linguists and students of Iroquoian dialects. The "Account Book" and a short sketch of the census, organization, etc., of the Huron villages in the neighbourhood of Detroit (pp. 148-157), are the only parts of any interest to the students of history and ethnology.

For nearly three centuries the Iroquoian dialects have been the object of missionary studies. A slow and gradual progress in the understanding of the fundamental elements is apparent in the extensive early contributions, among which that of Potier occupies the front rank. But no grammar or lexicon has yet been produced the technical value of which would satisfy our present-day requirements or enable a linguist to undertake a thorough comparative study of Iroquoian dialects in relation to each other or to those of other North American linguistic stocks, Siouan or Algonkin, for instance.

The earliest and crudest attempt at penetrating the secrets of an Iroquoian dialect dates back to the first part of the seventeenth century; it is found in the "Dictionnaire de la langue Hvrnone" (1615-1630) of Frère Gabriel Sagard Théodat (in his *Histoire du Canada et Voyages*, Paris, 1636, vols. 3-4). Father Jacques Bruyas's Mohawk "Radices verborum" (Shea's *Library of American Linguistics*, x, 1863, pp. 123), recorded at the end of the seventeenth century, revealed some progress in a sound direction; little, however, seemed yet to have been accomplished in the way of analysing the component grammatical elements; classification had gone no further than outlining four groups of radicals or conjugations. Pronominal elements and suffixes were yet to be isolated from their supporting verb and noun stems.

A long step forward is noticeable in Potier's grammar. Analytic

work by that time reached far enough to reveal the existence of the two fundamental Iroquoian paradigms and the five outstanding classes of radicals.

Although prepared in the same period, Rev. David Zeisberger's *Essay of an Onondaga Grammar* (reprinted from the *Pennsylvania Magazine of History and Biography*, Philadelphia, 1888, pp. 1-45) is far more elementary, and an improvement only as compared with Bruyas's sketch, which must have been known to the author.

A later stage in the study of Iroquoian was evidenced in Father J. A. Cuq's *Etudes philologiques sur quelques langues sauvages de l'Amérique* (by N.O., 1866), and in his subsequent *Jugement erroné de M. Renan sur les langues sauvages* (Montreal, Dawson Bros., 1869), and *Lexique de la langue iroquoise* (Montreal, 1882). In Cuq's *Lexique* the noun and verb radicals appear stripped of their pronominal elements; and a number of prefixes and suffixes are given independently of their context.

Although due acknowledgement may not be on record, the authors of the above-mentioned grammars and lexicons drew most, if not all, of their materials from the records already available at their missions and gradually improved upon by their unnamed predecessors. Thus it is known at Caughnawaga that Cuq's data were derived from Rev. Joseph Marcoux's manuscript studies of Mohawk (1819-1855) which are to this day utilized by the Caughnawaga missionaries. Father Potier's model for his Huron grammar and vocabulary, according to Shea (quoted in the above *Fifteenth Report*, pp. 707-8, footnote), was Father Chaumonot's manuscript studies of the Lorette sub-dialect.

Later philological studies on the Oneida and Wyandot dialects are those of Dr. Franz Boas ("Notes on the Iroquois Language", in *The Putnam Anniversary Volume*, Cedar Rapids, Iowa, The Torch Press, 1909) and of C. M. Barbeau ("Classification of Iroquoian Radicals with Subjective Pronominal Prefixes", *Memoir 46*, Geological Survey, Can., 1915). Scientific accuracy in phonetics was aimed at, in these monographs; and phonetic processes or laws were explained, the result of which was further to account for and simplify apparent irregular features.

Further bulky materials in manuscript form, on the different Iroquoian dialects (Cayuga, Seneca, Wyandot, Tuscarora, Cherokee, etc.) are also available at the Smithsonian Institute of Washington (J. N. B. Hewitt) and at the Anthropological Division of the National Museum of Canada (C. M. Barbeau and A. A. Goldenweiser).

In spite of the many published contributions, none of the Iroquoian dialects can as yet boast of a fair and correct record of its various features, and the comparative study of the dialects with a view to discovering their genesis has not yet seriously been attempted.

The amount of work involved in the preparation of a grammar like been able to find their place in one of the regular sub-classes of the five that of Potier is astounding, especially when it is considered that, at the time, scientific experience in that field was non-existent and the assistance of expert native interpreters was presumably not to be had.

As was to be expected in the circumstances, shortcomings are conspicuous in Potier's efforts. Some of these, rather than meritorious features, may briefly be indicated here. Word groups, in Iroquoian, consist of a verb radical or of a verb and noun radicals, and of several closely attached prefixes and suffixes. These units can be sundered into their component elements only with the help of a thorough knowledge of the elements involved and of phonetic processes regulating the combination of vowels and consonants. The analysis of these elements had not proceeded far in Potier's time. Thus what we would expect to be single stems, in "*Radices huronicae*" (pp. 161-444), really consist of complex units—prefix, radical or radicals, and suffix. A radical, besides, may be repeated several times in the list, according to the various suffixes modifying it. Such a list, being obviously burdened with extraneous and oft-repeated features, is cumbersome and confusing. Most of the "radicals" listed in the first conjugation are actually preceded by the prefix *-at-*, "self" (Potier's so-called "*Reciprocal Verbs*", p. 59), which automatically brings them into the first conjugation, while they may in fact belong to any one of the five conjugations.

Few of the phonetic and grammatical rules unconsciously observed by the Hurons in forming their word units or "clusters" were perceived by the early grammarians; and the syntax governing the relation of the "clusters" to each other was only vaguely outlined. As Potier, for one, usually dealt with concrete cases rather than with broad generalizations, his grammar is lengthy and confusing, consisting largely of unessential features, and is insufficient to procure a grasp of the fundamentals. Instead of coping with the genius of the language, he painfully retained a method and frame only suited to commonplace European notions. Thus the Huron verbs are laboriously ushered through the cumbersome modes of our conjugations, while in most cases the indication of a few prefixes—*e-* for the future, for instance—would have been sufficient. No less than three pages are devoted to his so-called "*reduplication*", in the sense of iteration ("*De Reduplicatione*", pp. 24-27), while the only feature under observation was the prefix *sa-*, "again". A more complete digestion of the linguistic data and the understanding of some phonetic processes would have done away with many obscure points and, in particular, with his lengthy section on "*De Verbis Ano-*

malis" (pp. 32-47), consisting of verbs given singly for want of having conjugations.

In other cases, important grammatical features escaped Potier's attention. His "Relationes" or combined pronouns (pp. 17-23), for instance, nowhere include the actually existing prefixes for from two to five persons in the dual. The terms "Relatio activa" and "relatio passiva" seem to be misnomers; the Huron equivalent of "ego-illum", etc., is termed "relatio activa", and that of "ego-ab illo", etc., as "relatio passiva", while, in fact, the second should have been translated "he-me, he-him", etc., no such distinction as "active" and "passive" being in evidence.

Lack of sufficient accuracy in the phonetic record of sounds was a serious drawback. From the mere orthography the reader could not generally reproduce the words exactly as they were to be articulated; for, in Iroquoian, there are a large number of functional glottal stops and breathings, vowels lengthened or shortened according to the meaning to be conveyed, stresses or accents characterizing certain syllables. For instance, in the pronouns for the dual (Paradigm A), the "first person exclusive" only differs in the length of a vowel from the "third person masculine", *a-* being brief in the first case and long in the second. From a phonetically accurate list of stems a large number of instances could be cited where the meaning of equivalent syllables hinges only on the presence or absence of a glottal stop, breathing, a stress or a long vowel; e.g., *-ara*, to count; *ara'*, to run; *-a.ton'*, to be possible; *-a' ton*, to say; *-gya*, to bark; *-'gya*, to hold, etc. None of these features being indicated in the early grammars, ambiguity could only result when the reader depended exclusively on the written record.

It is safe to conclude that, on account of such inaccuracies and imperfections, Potier's grammar and lexicon cannot serve as final records of the Huron language; their only utility lies in the fact that they embody a vast amount of fairly accurate raw linguistic materials to be utilized and sorted out by a linguist aided by a supplementary field knowledge of another Iroquoian dialect. Potier's contribution had the additional value of being one of the only two extant records (the other being Chaumonot's) of Huron proper, a dead language for the past fifty years. We say "dead language", for Wyandot as it is still spoken by a few survivors on the Detroit River and in Oklahoma, is not the absolute equivalent of the Huron described in the written records. Several shades or slight differences are consistently in evidence, in the paradigms for instance; and the consonant *m* in Wyandot has for an equivalent the usual Iroquoian *w* in Huron; e.g., eagle is, in Huron, *tsarwenhuhi* and, in Wyandot, *tsamenhuhi*.

A puzzle here confronts us. The present-day Wyandot being different enough from Huron to be described as another sub-dialect, how is it that Potier while studying it should exactly reproduce the Lorette Huron characteristics without even pointing to a difference? Still, no doubt is possible, from tradition or historic records, that the Detroit and Oklahoma Wyandots are the direct descendants of those located in the vicinity of Detroit at the time when Potier was writing, and that their sub-dialect has not become materially altered since. The most likely presumption is that Potier's work is largely, if not exclusively, that of a compiler writing up and classifying the materials of his predecessors, which were available at the Lorette Huron mission. Thus as an American residing in England might retain his native accent, Potier quite possibly may, at Detroit, have persevered in the notions acquired while in training at Lorette, and worked upon Lorette manuscripts without seriously attempting to fit them to his Detroit environment.

A somewhat curious corroboration of this view was found in another field. The Detroit Wyandots had nine clans (the Deer, Bear, Porcupine, Beaver, Big Turtle, Mud Turtle, Prairie Turtle, Hawk, and Wolf clans); the Lorette Hurons, on the other hand, had only three: the Deer, the (undifferentiated) Turtle, and the Wolf. When Potier describes the Wyandot clans (p. 152), however, he merely gives the three clans known at Lorette without bothering about those existing at his very doorstep; which confirms us in the impression that, as a whole, he was seeking his information in written sources rather than in facts observed at first-hand. The perfection of his own manuscripts in itself indicates that he may have been more at home in his workroom than in the smoky barkhouses of his flock.

To conclude. Although the photolithographic reproduction of the MSS. in Dr. Fraser's *Fifteenth Report* is on the whole very satisfactory, we find many lines blurred, which makes the deciphering of characters more than arduous in spots. The readers of the Grammar will note that, after the two missing manuscript pages 11-12, the heading ". . . *par s*" (p. 15) is the equivalent of our "objective pronominal prefixes" or "paradigm B"; this set of pronouns is given as a counterpart to ". . . *parad. C*" (p. 7), our "paradigm A" or "subjective pronominal prefixes".

It is somewhat to be regretted that, in an otherwise carefully prepared volume, the printer's work should have been marred by some awkward misprints, for instance: the title (p. 457) should be "Extraits de L'évangile" instead of ". . . *evangelé*"; in *Abbreviations* (p. 160), the more important oversights consist of "*reuproque*" instead of "*réci-proque*"; "*sine ru (respectu)*" instead of "*sive ru (Latin), ou bien*";

"*e*-(etiam) ou une (or) un" should be ". . . et (or) aussi" meaning "also"; *à* (as in p. 371) does not stand for "autem" but for the Latin equivalent of "by" in English.

For his untiring zeal in publishing valuable documents on ancient *Huron*, Dr. Fraser deserves great credit and praise. The only point in his interesting general introduction we cannot quite agree with is that with reference to the origin of the three groups of the Hurons after their dispersion (p. xviii). The present-day Oklahoma Wyandots were not originally a third independent group, but the direct descendants of the Detroit River band, whose ancestors, owing to political troubles in the middle of the eighteenth century, drifted away from the Detroit settlements to establish a village, first at Sandusky (Ohio), and later at Upper Sandusky; this group moved out, in 1843, to the site of Kansas City (Kansas), and was, in 1871, transferred by the American government to their present reserve in Oklahoma (see, among other references, P. D. Clarke, *Origin and Traditional History of the Wyandotts*, Toronto, 1870.) In our investigations at Wyandot Reserve, Oklahoma, we have found no evidence of there being any Neutrals among them. The Detroit band and their Oklahoma relatives are, we presume, the direct descendants of the Tobacco or Petun Nation, while the Lorette tribe represents the original eastern villages of the Hurons. This would account for the sub-dialectal differences formerly extant in the two bands.

C. M. BARBEAU

RECENT PUBLICATIONS RELATING TO CANADA

(Notice in this section does not preclude a more extended review later.)

I. THE RELATIONS OF CANADA TO THE EMPIRE

[ANON.] *The Meeting of the Imperial Cabinet* (Round Table, June, 1921, pp. 535-557).

A discussion of the problems before the meeting of the prime ministers of the Empire held in London in July, 1921.

ASHBOLT, A. H. *An Imperial Airship Service* (United Empire, July, 1921, pp. 499-502).

A concrete proposal for the formation of a commercial company, backed by the governments of Great Britain and the Dominions, for the institution of inter-imperial communication by airship.

BULKELEY, J. P. *The British Empire: A Short History*. With an introduction by Sir CHARLES LUCAS. Toronto: Oxford University Press. 1921. Pp. 238 (3sh. 6d.).

An outline, apparently intended for use in schools.

CARON, l'abbé IVANHOË. *La politique coloniale de l'Angleterre aux xviie et xviiiè siècles* (Revue Canadienne, vol. xxvi, no. 4, pp. 341-245).

A brief, but judicious, account of British colonial policy in the seventeenth and eighteenth centuries, written primarily to serve as an introduction to a book on the history of colonization in the province of Quebec which the author is bringing out.

EGGLESTON, F. W. *Imperial Unity and the Peace Treaty* (Quarterly Review, April, 1921, pp. 286-306).

A study of the problem created, in the British Commonwealth of Nations, by the inclusion of the self-governing Dominions in the League of Nations.

FINDLAY, the Hon. Sir JOHN. *The Future Government of the Empire* (United Empire, July, 1921, pp. 515-524).

A plea for the creation of some machinery for continuous consultation between the British government and the governments of the overseas Dominions.

HIGHAM, C. S. S. *History of the British Empire*. London: Longmans, Green, and Co. 1921. Pp. 284. (5 sh.)

A text-book.

KENNEDY, W. P. M. *Canada and the Imperial Conference* (Contemporary Review, July, 1921, pp. 61-64).

An attempt to state Canada's attitude toward some of the problems before the Imperial Conference.

POLEY, A. P. *The Imperial Commonwealth: A Survey of Commercial, Industrial, and Social History from the Tudor Period to Recent Times*. London: Cassell and Co. 1921. Pp. 388. (12 sh. 6d.)

A text-book for more advanced students.

SMITH, WILLIAM ROY. *British Imperial Federation* (Political Science Quarterly, June, 1921, pp. 274-297).

A discussion, by an American student, of the problem of the government of the British Empire, with an account of the movement toward imperial federation, and of the history of the Imperial Conference, the Committee of National Defence, and the Imperial War Cabinet.

WILSON, PHILIP W. *The Imperial Conference* (North American Review, June, 1921, pp. 725-735).

A brief, but suggestive, survey of the imperial problem.

WOODWARD, W. H. *A Short History of the Expansion of the British Empire, 1500-1920*. Cambridge: University Press. 1921. Pp. 352. (6sh. 6d.)

A survey of the growth of the Empire since 1500.

II. HISTORY OF CANADA

(1) General History

[CANADA, HISTORICAL SECTION OF THE GENERAL STAFF.] *A History of the Organization, Development and Services of the Military and Naval Forces of Canada from the Peace of Paris in 1763 to the Present time*. With Illustrative Documents. Volume III: *The War of the American Revolution; The Province of Quebec under the Administration of Governor Frederic Haldimand, 1778-1784*. [Ottawa. 1921.] Pp. xxix, 271.

Reviewed on page 280.

CHAPAIS, THOMAS. *Cours d'histoire du Canada*. Tome II (1791-1814). Montréal: L'Action Française. 1921. Pp. 350. (\$2.00.)

Reviewed on page 289.

GROULX, l'abbé LIONEL. *Vers l'émancipation: Cours d'histoire*. Montréal: L'Action Française. 1921. Pp. 312. (\$1.00.)

Reviewed on page 278.

RIDDELL, Hon. W. R. *When Human Beings were Real Estate* (Canadian Magazine, June, 1921, pp. 147-149).

A note on the history of slavery in Canada.

SULTE, BENJAMIN. *Mélanges Historiques: Etudes éparses et inédites*. Compilées, annotées et publiées par GÉRARD MALCHELOSSE. Montréal: G. Ducharme. 1921. Pp. 163. (\$1.00.)

Reviewed on page 274.

(2) The History of New France

CARON, l'abbé IVANHOË. *La bataille des Plaines d'Abraham* (Le Canada Français, mai 1921, pp. 193-206).

A valuable discussion of the topography of the Battle of the Plains of Abraham.

CASEY, MAGDALEN. *Dollard des Ormeaux and the Siege of the Long Sault* (Canadian Magazine, August, 1921, pp. 326-331).

A popular account of a famous incident in early Canadian history.

GOSSELIN, Mgr AMÉDÉE. *Jean Jolliet et ses enfants* (Transactions of the Royal Society of Canada, 3rd series, vol. xiv, sect. i, pp. 65-81).

Genealogical and other notes, supplementing the information about the Jolliet family contained in the late Ernest Gagnon's monograph on *Louis Jolliet*.

LIBBY, WALTER and CHARLETON, M. *Finds Stobo's Letter: New Light on the History of Pittsburgh*. [Reprinted from "Pittsburgh First", published by the Pittsburgh Chamber of Commerce, July 4, 1921.]

An account, and reproduction, of two important documents which have recently come to light in the archives of the court house at Montreal—the original of the terms of capitulation of Fort Necessity, July 3, 1754, with Washington's signature; and the original of the sketch of Fort Duquesne made by Robert Stobo, and sent by him to Washington on July 28, 1754, together with a letter which accompanied the map.

MASSICOTTE, E.-Z. *Inventaire des biens de Julien Tavernier, ancêtre de la Mère Camelin* (Bulletin des Recherches Historiques, vol. xxvii, no. 4, pp. 109-115).

An inventory of the household goods of a Montreal merchant who died in 1756.

———. *Les juges de Montréal sous le régime français, 1648-1760* (Bulletin des Recherches Historiques, vol. xxvii, no. 6, pp. 177-183).

Biographical and genealogical notes.

ROY, RÉGIS. *Navires canadiens* (Bulletin des Recherches Historiques, vol. xxvii, no. 6, pp. 184-186).

Notes on the history of the ship-building industry in New France.

SULTE, BENJAMIN. *Troupes du Canada, 1670-1687* (Transactions of the Royal Society of Canada, 3rd series, vol. xiv, sect. i, pp. 1-21).

A chapter in the military history of New France, devoted mainly to an account of the formation of "la prétendue troupe de la marine".

SURREY, N. M. M. *The Commerce of Louisiana during the French Régime, 1699-1763*. (Columbia University Studies in History, Economics, and Public Law: Vol. 71, no. 1.) New York: Longmans, Green, and Co. 1916. Pp. 476; maps, diagrams, bibliography. (\$3.50.)

Contains chapters on the trade of the Illinois country, and on the fur-trade from Canada.

(3) The History of British North America to 1867

McLACHLAN, R. W. *Some Unpublished Documents relating to Fleury Mesplet* (Transactions of the Royal Society of Canada, 3rd series, vol. xiv, sect. ii, pp. 85-95).

A supplement to the author's paper on *Fleury Mesplet, the First Printer of Montreal*, published in the Transactions of the Royal Society of Canada for 1906.

MASSICOTTE, E.-Z. *La politique en chanson* (Bulletin des Recherches Historiques, vol. xxvii, no. 4, pp. 126-128).

Reproduction of a French-Canadian political ballad of 1832.

SKELTON, ISABEL. *The Name "Canada"* (Canadian Magazine, August, 1921, pp. 312-314).

An account of the controversy which raged in 1864-1865 over the name to be applied to the new federation of British North American provinces.

(4) The Dominion of Canada

COLQUHOUN, A. H. U. *Sir John A.—After Thirty Years* (Canadian Magazine, June, 1921, pp. 93-97).

An estimate of the place of Sir John Macdonald in Canadian history, in the light of the thirty years that have elapsed since his death.

DONALD, ROBERT. *The Imperial Press Conference in Canada*. London: Hodder and Stoughton. 1921. Pp. xvi, 296. (25sh.)

A record, handsomely illustrated with photographs, of the visit made to Canada in the summer of 1920 by delegates representing the press in all parts of the British Empire.

GLENDINNING, J. C. *"Oh! Canada." Personal Impressions as a delegate to the Imperial Press Conference of 1921*. Derry: The Standard. [1921.] Pp. 86.

A visitor's impressions of Canada in the summer of 1920.

GRANT, W. L. *Canada*. (Victoria League pamphlets on the British Empire.) London: Victoria League. 1921. Pp. 20. (6d.)

A pamphlet written with a view to familiarizing people in other parts of the Empire with Canada.

HAMILTON, LOUIS. *Canada*. (Perthes' Kleine Volker- und Länderkunde zum Gebrauch im praktischen Leben: Achter Band.) Gotha: Verlag Friedrich Andreas Perthes A.-G. 1921. Pp. xi, 256.

Reviewed on page 299.

MACMURCHY, MARJORIE. *Arthur Meighen: Canadian*. (Canadian Magazine, June, 1921, pp. 108-115).

A character sketch of the prime minister of Canada.

MACTAVISH, NEWTON. *The Rare Product of His Generation* (J. W. Flavelle) (Canadian Magazine, August, 1921, pp. 267-271).

An appreciative sketch of the work of Sir Joseph Flavelle.

MUNRO, W. B. *Problems of City Government* (Dalhousie Review, July, 1921, pp. 139-150).

A discussion of some aspects of city government in Canada, in the light of the author's researches into city government in the United States.

RUSSELL, Mr. Justice. *The Career of Sir John Thompson* (Dalhousie Review, July, 1921, pp. 188-201).

Reminiscences of Sir John Thompson, written by a personal friend.

TAILLON, Sir LOUIS-OLIVIER. *A propos des écoles de Manitoba* (Revue Canadienne, vol. xxvi, no. 4, pp. 286-293).

A defence of the attitude of the governments of Macdonald, Abbott, Thompson, and Bowell toward the Manitoba school question in the years 1890-1896.

WRONG, GEORGE M. *The United States and Canada: A Political Study*. New York and Cincinnati: The Abingdon Press. [1921.] Pp. 191.

Reviewed on page 272.

(5) The History of the Great War

[GREAT BRITAIN, BATTLES NOMENCLATURE COMMITTEE.] *The Official Names of the Battles and other Engagements fought by the Military Forces of the British Empire during the Great War, 1914-1919; and the Third Afghan War, 1919*. Cmd. 1138. London: H. M. Stationery Office. 1920. (9d.)

The report of the Battles Nomenclature Committee, as approved by the War Council.

MONTGOMERY, Major-General Sir ARCHIBALD. *The Story of the Fourth Army in the Battles of the Hundred Days, August 8th to November 11th, 1918*. With a Foreword by General Lord RAWLINSON. London: Hodder and Stoughton. [1920.] Pp. xxiii, 370; maps and illustrations. (63 sh.)

Contains an authoritative account, sumptuously illustrated, of the operations of the Canadian Corps during August, 1918.

III. PROVINCIAL AND LOCAL HISTORY

(1) The Maritime Provinces

CHISHOLM, Mr. Justice. *Our First Common Law Court* (Dalhousie Review, April, 1921, pp. 17-24).

An account of the establishment at Annapolis Royal in Nova Scotia, in April, 1721, of "the first court of judicature to administer the common law of England within what is now the Dominion of Canada".

RICHARD, EDOUARD. *Acadie: Reconstitution d'un chapitre perdu de l'histoire d'Amérique*. Ouvrage publié d'après le MS. original, entièrement refondu, corrigé, annoté, mis au point des recherches les plus récentes, avec une Introduction et des Appendices,

par HENRI D'ARLES. Tome troisième. Québec: Typ. J.-A. K.-Laflamme. 1921. Pp. viii, 547.

To be reviewed later.

(2) The Province of Quebec

BELLERIVE, GEORGES. *Brèves Apologies de nos Auteurs Feminins*. Québec: Librairie Garneau. 1920. Pp. 139; illustrations.

A sort of biographical dictionary of French-Canadian women writers.

CARON, l'abbé IVANHOË. *Les censitaires du coteau Sainte-Geneviève (Banlieue de Québec) de 1636 à 1800* (Bulletin des Recherches Historiques, vol. xxvii, no. 4, pp. 97-108; no. 5, pp. 129-146; no. 6, 161-175).

The local history of a suburb of the city of Quebec.

CHARTIER, Chanoine ÉMILE. *La race canadienne-française: Etude ethnologique et statistique* (Revue Trimestrielle Canadienne, juin, 1921, pp. 113-136).

An account of the origin, growth, and present outlook of the French-Canadian people.

_____. *Le Canada français* (Revue Canadienne, vol. xxvi, no. 4, pp. 272-285; no. 5, pp. 343-353).

Papers on various phases of the history, economics, religious life, etc., of French Canada, originally delivered as lectures in Paris.

D'ARLES, HENRI. *Nos historiens—Etude de critique littéraire*. Montréal: L'Action Française. 1921. Pp. 250. (90c.).

To be reviewed later.

DAVELUY, MARIE-CLAIRE. *Barbe de Boullongne* (L'Action Française, juillet, 1921, pp. 425-433).

A biographical sketch of one of the pious women who helped to found Montreal.

MAURALT, Abbé OLIVIER. *L'Eglise Notre-Dame actuelle* (Revue Trimestrielle Canadienne, mars, 1921, pp. 415-438).

Continuation of a paper on the church of Notre-Dame in Montreal, contributed by the author to the *Revue Trimestrielle Canadienne* for September, 1920.

MORIN, VICTOR. *French-Canadian Literature: A Review and a Defence* (Canadian Magazine, July, 1921, pp. 219-230).

A paper written with the object of familiarizing English-speaking readers with some of the excellences of French-Canadian literature.

(3) The Province of Ontario

[ANON.] *Records of the Lives of Ellen Free Pickton and Featherstone Lake Osler*. [Oxford:] Printed for private circulation. 1915. Pp. 258; illustrations.

A collection of original documents, journals, and letters, setting forth the history of a well-known family which came to Upper Canada in 1837. Though intended only for the members of the family, the volume has considerable historical interest.

CARMAN, FRANCIS A. *The Honourable Richard Cartwright* (Canadian Magazine, July, 1921, pp. 190-196).

"A sketch of one of the founders of Upper Canada and the part he played in the politics of his day."

KENT HISTORICAL SOCIETY. *Papers and Addresses*. Volume 5. Chatham, Ontario; published by the Society. 1921. Pp. 100.

Contains a number of essays on the local history of the county of Kent. Miss M. Flewellyn writes on the history of the village of "Ouvry, Talbot Road, Raleigh"; Mr. T. D. Niven on "The Caledonia Settlement, Chatham Township"; Mrs. F. L.

Arnold on the "History of Kent Bridge"; Mr. Alexander Young on "McKay's Corners"; Mr. O. K. Watson on "The Beginnings of Ridgetown"; Mr. Louis Goulet on "Some Kent Patronymics" and "St. Joseph de Kent". Mr. John W. Young contributes an analysis of the contents of the *Chatham Tri-Weekly Planet* for May 20, 1857.

RIDDELL, Hon. W. R. *Humours of the Times of Robert Gourlay* (Transactions of the Royal Society of Canada, 3rd series, vol. xiv, section ii, pp. 69-83).

Odds and ends illustrating the lighter side of Robert Gourlay's passage through Canadian history.

Robert Isaac Dey Gray—*The First Solicitor-General of Upper Canada—1797-1804* (Canadian Law Times, June, 1921, pp. 424-432; July, 1921, pp. 508-518).

A sketch of the life of the first solicitor-general of Upper Canada, supplemented by copious notes.

YOUNG, A. H. (ed.) *The Parish Register of Kingston, Upper Canada, 1785-1811*. With notes and introduction. Kingston, Ontario: The British Whig Publishing Company, Limited. 1921. Pp. 207. (\$2.00.)

To be reviewed later.

The Rev. John Stuart, D.D., U.E.L., of Kingston, U.C., and his Family: *A Genealogical Study*. Kingston: Whig Press. [1921.] Pp. 64. (\$1.50.)

To be reviewed later.

(4) The Western Provinces

HOWAY, Judge F. W. *The Attitude of Governor Seymour towards Confederation* (Transactions of the Royal Society of Canada, 3rd series, vol. xiv, section ii, pp. 31-49).

An account of the history of pre-Confederation politics in British Columbia, with especial reference to the part played by Governor Seymour in blocking Confederation.

JOHNSTON, LUKIN. *The Case of the Oriental in B.C.* (Canadian Magazine, August, 1921, pp. 315-318).

A brief discussion of the problem of Oriental immigration into British Columbia.

PRUD'HOMME, le juge L.-A. *Monsieur Georges-Antoine Belcourt, Missionnaire à la Rivière Rouge* (Transaction of the Royal Society of Canada, 3rd series, vol. xiv, sect. i, pp. 23-64).

An account of the life of a French-Canadian Roman Catholic priest who served as a missionary in the west from 1831 to 1848.

SMITH, CHARLES W. *Pacific Northwest Americana: A Checklist of Books and Pamphlets relating to the History of the Pacific Northwest*. Edition 2, Revised and Enlarged. New York: The H. W. Wilson Company. 1921. Pp. xii, 329.

A new and enlarged edition of a union checklist of Pacific Northwest Americana first published in 1909, and representing the resources of thirteen representative libraries.

UN SAUVAGE. *Agression des Fénians* (L'Action Française, juillet, 1921, pp. 435-446).

An account of the Fenian raid of 1871 in Manitoba, extracted from a work on the history of the west which is to appear shortly.

IV. GEOGRAPHY, ECONOMICS, AND STATISTICS

BONAR, J. *The Mint and the Precious Metals in Canada* (Journal of the Royal Statistical Society, March, 1921, pp. 216-254).

A valuable paper, by the former deputy-master of the Ottawa Mint, giving an account of the history and operations of the Mint. The paper is followed

by appendices containing much statistical information with regard to gold mining, currency circulation, wholesale prices, etc.

COOPER, Col. JOHN A. *The International Trade Situation in Canada* (Annals of the American Academy of Political and Social Science, March, 1921, pp. 7-11).

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